LUDWIG WITTGENSTEIN

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LUDWIG WITTGENSTEIN, sometime Professor of Philosophy at Cambridge and Fellow of Trinity College, is dead. His only published work, apart from a short address to the Aristotelian Society in 1929, was his celebrated *Tractatus Logico-Philosophicus,* the English version of which appeared in 1922. To have written that book, accepted as it is on all sides as novel, profound and influential, would have been enough to make him one of the most important philosophers of this century. Many others have since developed and reacted against the numerous obscurely expressed but fruitful suggestions with which that book is packed. But in the last twenty or so years of his life Wittgenstein turned his back on the *Tractatus* and went on to produce and to teach at Cambridge a whole new way of philosophizing. None of this later work has been published. Yet its effect on Australasian and American philosophy and its enormous effect on philosophy in Britain is apparent to anyone familiar with it who compares the sort of thing philosophers used to write twenty years ago with what very many of them write today. It is perhaps even more evident if one compares the technique of oral discussion then and now. This effect Wittgenstein produced by teaching, each year, a small group of students at Cambridge. It was natural, therefore, that to those outside his immediate environment he should seem to be a mysterious figure.

This short notice does not attempt to give an account of Wittgenstein's philosophy, merely to say something about the

surroundings of that philosophy : to give, while memories are fresh, something that would partly answer such questions as What sort of man was Wittgenstein and how did he teach? It is possible that these personal impressions may be misleading; the man and his philosophy were complex.

There was nothing mysterious about Wittgenstein. He was a University figure and there was plenty of uninformed personal gossip about him; this was fluff. What mattered was the work to which he gave his energy. He used to lecture two afternoons a week during term, starting usually at two. In recent years the lectures used to last for two hours, but in the thirties they went on longer—sometimes for more than four hours. Some years they were held in Wittgenstein's room, high over the gate of Whewell's Court, sometimes in a small classroom in Trinity or in someone else's rooms. When you entered his room for a lecture you found some fifteen or twenty wooden chairs and one deck chair facing the fireplace, before which stood a black iron anthracite stove. To the right below the window a trestle table with papers. On the mantelpiece a low-powered bulb on a retort-stand. Behind you a small bookcase with two or three books. Wittgenstein stood waiting, occasionally glancing at a watch which he pulled out of his breast pocket. A short, slightly-built man in grey trousers, open-necked shirt and suede golfing jacket. His face was ruddy and very deeply lined, the eyes sharp blue and the hair (in the thirties) brown and curly. The audience would consist of all those who were taking the Moral Sciences tripos seriously, about the same number of those who had recently taken the tripos, one or two other undergraduates, a philosophy don, perhaps a maths don, one or two research students from overseas.

Each year the lectures were on some philosophical problem —on the "other minds" puzzle, for example, or on the status of mathematical propositions. But whatever the problem, such was Wittgenstein's technique, by the end of the year most of the main philosophical issues would have been touched on and illuminated, directly or by implication. The technique

was at first bewildering. Example was piled up on example. Sometimes the examples were fantastic, as when one was invited to consider the very odd linguistic or other behaviour of an imaginary savage tribe. (E.g., "Suppose the members of the tribe decorate the walls of their houses by writing on them rows of Arabic numerals—and suppose that what they write is exactly what would be written by someone doing arithmetical calculations. They do it *exactly* right every time, but they never use it except for internal decoration—never use it in computing how much wood they need to build a hut or how much food they need for a feast, and so on. Would you say they were doing mathematics?") Sometimes the example was just a reminder of some well-known homely fact. Always the case was given in concrete detail, described in down-to-earth everyday language. Nearly every single thing said was easy to follow and was usually not the sort of thing anyone would wish to dispute. ("I shan't say anything that you won't all immediately agree with", said Wittgenstein once, "and if you do dispute something I'll drop it and go on to something else.")

The considerable difficulty in following the lectures arose from the fact that it was hard to see where all this often rather repetitive concrete detailed talk was leading to—how the examples were interconnected and how all this bore on the problem which one was accustomed to put to oneself in abstract terms. The story of the tribe was interesting enough; one could agree that in real life one mostly did arithmetic as part of such operations as making a chair or buying groceries, and that for pure mathematicians the great thing about mathematical calculations was often their *charm*. But one often felt like making such a protest as: "What I want to know is, *are* mathematical propositions synthetic *a priori*?—and what has all this to do with my problem?"

Wittgenstein once, in lectures, gave the following sort of description of his procedure. (Here and elsewhere what appears as a long quotation is not a transcription of something taken down at the time but is a reconstruction from memory of approximately what was said.) "In teaching you philosophy

I'm like a guide showing you how to find your way round London. I have to take you through the city from north to south, from east to west, from Euston to the embankment and from Piccadilly to the Marble Arch. After I have taken you many journeys through the city, in all sorts of directions, we shall have passed through any given street a number of times —each time traversing the street as part of a different journey. At the end of this you will know London; you will be able to find your way about like a born Londoner. Of course, a good guide will take you through the more important streets more often than he takes you down side-streets; a bad guide will do the opposite. In philosophy I'm a rather bad guide . . ."

Usually at the beginning of the year Wittgenstein would warn us that we would find his lectures unsatisfactory, that he would go on talking like this for hours and hours and we would get very little out of it. Plainly he was sensitive to the sort of audience he had. He wanted a small group of people who, knowing what was in store for them, were prepared to put in a full strenuous year with him learning philosophy. Visitors, even distinguished visitors, who wanted to attend a few lectures to "find out what sort of thing Wittgenstein is doing" were not welcome, but anyone was welcome who seriously wanted to learn *philosophy* (and not just to hear Wittgenstein). And, if we had to work hard, Wittgenstein worked tremendously hard. He spoke without notes. Each lecture was obviously carefully prepared—its general strategy planned and numerous examples thought up. But in the lectures he thought it all through again, aloud. Members of the class would chip in briefly from time to time, though usually to make a suggestion in response to some question which was posed. At times Wittgenstein would break off, saying "Just a minute, let me think!" and would sit for minutes on end, crouched forward on the edge of a chair, staring down at his upturned palm. Or he would exclaim with vehement sincerity: "This is as difficult as *hell!*"

At first one didn't see where all the talk was leading to. One didn't see, or saw only very vaguely, the point of the numerous examples. And then, sometimes, one did, suddenly. All at once, sometimes, the solution to one's problem became clear and everything fell into place. In these exciting moments one realized something of what mathematicians mean when they speak of the beauty of an elegant proof. The solution, once seen, seemed so simple and obvious, such an inevitable and simple key to unlock so many doors so long battered against in vain. One wondered how one could possibly have missed it, how anyone else could possibly fail to see it. But if one tried to explain it to someone else who had not seen it one couldn't get it across without going through the whole long, long story. Wittgenstein once described the situation in philosophy thus: "It is as if a man is standing in a room facing a wall on which are painted a number of dummy doors. Wanting to get out, he fumblingly tries to open them, vainly trying them all, one after the other, over and over again. But, of course, it is quite useless. And all the time, although he doesn't realize it, there is a real door in the wall behind his back, and all he has to do is to turn round and open it. To help him get out of the room all we have to do is to get him to look in a different direction. But it's hard to do this, since, wanting to get out, he resists our attempts to turn him away from where he thinks the exit must be."

Wittgenstein held that no answer to a philosophical question was any good unless it came to a man when he needed it. This involved an attempt to make you see that you really did need such an answer. Add to this that he "hoped to show that you had confusions you never thought you could have had". It would be fair to say that he tried to work his way into and through a question in the natural order and in the non-technical way in which any completely sincere man thinking to himself would come at it. ("You must say what you really think as though no-one, not even you, could overhear it." "Don't try to be intelligent; say it; then let intelligence into the room.") Whether this ideal is realizable in the form

of a book is, in the opinion of many, not yet known; whether, if it were, the book would look much like what we think of as a philosophy book is discussable.

Wittgenstein was not, it seems clear, in any conventional sense a religious man. He never gave any extended presentation of his views on religion, nor, if he had done so, would it have been possible to summarize them without being misleading. The following may, however, give some clue to his attitude: A student in a mood of deep depression, for which he felt that Wittgenstein's philosophy was in some way responsible, went to Wittgenstein and explained: "Life seems to me pretty pointless and futile. In a few years I shall have ceased to exist. And it's no consolation that human life will go on. It may be millions of years yet, but in time the sun will cool down, life will become extinct, and it will all be as if life had never been." Wittgenstein replied: "Suppose you were sitting in a room, facing a door which was completely black. You sit and stare fixedly at it, impressing on your mind its total blackness, and saying to yourself sombrely over and over again, 'That door is black! That door is *black!*' After a bit you could easily begin to feel miserable about it, and to feel that it was the blackness of the door that was the melancholy fact which had produced your gloom."

He had complete respect for religious people, and for those non-philosophers who do their chosen job and follow their chosen way of life as well as they can. At times he would even try to persuade students who hoped to become professional philosophers to give it up and take a "decent" job, such as that of a mine manager or a farmer. He felt, apparently, that the life of a philosopher was a very strenuous and a very, very exacting one, not to be entered upon lightly but soberly and advisedly. He had a horror of slickness—of philosophical opinions arrived at by any process other than an honest whole-hearted strenuous endeavour to find out the truth for oneself. He had no time for those who held philosophical opinions because they were fashionable, or because some eminent philosopher had advanced them—especially no

time for those who held opinions for the reason that Wittgenstein had advanced them. (In a similar way he spoke with great respect of Freud, whom he described as a great man, but had little time for most of Freud's followers.) For example, at a time when the "Verification Principle" was fashionable in many quarters, he remarked at the Moral Sciences Club: "I used at one time to say that, in order to get clear how a certain sentence is used, it was a good idea to ask oneself the question: How would one try to verify such an assertion? But that's just one way among others of getting clear about the use of a word or sentence. For example, another question which it is often very useful to ask oneself is: How is this word learnt? How would one set about teaching a child to use this word? But some people have turned this suggestion about asking for the verification into a dogma—as if I'd been advancing a *theory* about meaning."

As a philosopher Wittgenstein seemed to work in almost complete independence of other philosophers other than the members and past members of his class. In lectures he hardly ever mentioned anyone else by name, nor did he quote or discuss what anyone else had written, except that once or twice he would discuss a point from someone's writings which he said he had been told of. He chose his friends and companions from among those around him who, judged by his own austere standards, seemed to him to be serious in their devotion to philosophy. He was known to speak against those whose conversation "came neither from the heart nor from the head".

It cannot be said that Wittgenstein was happy about the effect of his work. Rightly or wrongly, he appeared to believe that philosophical questions were very much harder than, in his view, many philosophers thought. He spoke about the "lack of deep puzzlement" in the work of a well-known philosophical movement. Some other philosophers whose work was plainly influenced by some of his teaching he was heard to describe (on slight evidence) as "more linguists than philosophers": in his view they did not come at problems in a natural way but rather fitted situations into prepared

linguistic boxes. Which of these ways of philosophizing is preferable, and whether they should be as sharply distinguished as Wittgenstein appeared to distinguish them, will, no doubt, be keenly debated for some time.

It is not the purpose of this memoir to speak of Wittgenstein's activity outside philosophy. He was a man of great aesthetic sensibility. His lectures were delivered in spare and vivid prose. His occasional comments on pictures were those of a man who had an insight into what the artist was trying for. For a short time he had considered music as a career. About a don who criticized Blake he said, "He can't understand philosophy; how could you expect him to understand a thing like poetry?".

There are many sorts of human excellence. Not least among them is the excellence of one who devotes his whole life, giving up all else, to the attempt to do one single thing supremely well. That Wittgenstein did. How far he succeeded, those who come after us will tell.

LOGICAL AND EPISTEMOLOGICAL PROBLEMS IN LEGAL PHILOSOPHY.

By Otto Bondy.

[Dedicated to Professor Hans Kelsen on the occasion of the seventieth anniversary of his birthday.]

I.

Ever since the days of classical Greek philosophy the law has been an important object of philosophical speculation. This generally took the form either of the construction of an ideal legal order which was then opposed to any positive law, or of direct criticism of legal institutions. The idea was that there existed an eternal, divine or natural law, which need only be discovered by meditating and established by way of metaphysical speculation. It is most significant that there was no link between this kind of legal philosophy and either logic as such, or the speculations of the contemporary legal authorities. The opposition to natural law philosophy arose only at the beginning of the nineteenth century from Savigny's historical school of jurisprudence, and by the end of that century it was the generally accepted opinion in Germany that it is the positive law as opposed to any natural law which is the true object of jurisprudence. This was the position in which Kelsen found the legal theory of his time when he and his followers tried to determine, and in my opinion successfully determined, the role modern logic is called upon and competent to play in legal theory.

Just as jurisprudence was isolated from what was termed philosophy of law, so was such philosophy of law, as taught by the natural law philosophers, isolated from the teachings of logic. Logic was what could be termed one discipline beside others, with no claim to any possible application beyond its

restricted field. It was Leibniz who for the first time claimed that logic should be more than one among other fields of scientific research. This idea, however, did not meet with immediate response. In 1837 Bolzano's *Wissenschaftslehre* appeared, in which the same claim was made, namely, that logic should co-ordinate, and thus be applicable to all other sciences. But this book also did not, for quite a long time, influence philosophical thought to any extent. It was only since the turn of the century that Leibniz's and Bolzano's idea of logic as *Mathesis Universalis* was rigorously taken up by Edmund Husserl, whose phaenomenology was applied by Felix Kaufmann and Schreier for the purpose of linking up jurisprudence with logic as the all-embracing theory of scientific research.

In that way a correctly determined philosophy of law could be defined as part of logic, as a theory which describes the application of the general method of scientific research to jurisprudence. Philosophy of law so conceived could be imagined as being on the same level as philosophy of mathematics, physics, science, etc., which seek to determine the logical foundation on which scientific argumentation in the respective disciplines is based.

The attitude of traditional Anglo-American jurisprudence towards logic, however, is entirely different. The present ruling opinion was very aptly described by Julius Stone in his book *The Province and Function of Law*. The trained philosopher who is conversant with trends in modern logic will certainly be astonished to learn from this book that standard Anglo-American Jurisprudence still identifies logic with syllogistic (p. 206), thus implying that logic has made hardly any progress since the days of medieval scholasticism. Stone thinks that logic is concerned only with implications from premises, and not with the truth of the premises, and that conclusions of logic are always subject to the risk that the premises may be proved to be not true (p. 137). American jurisprudence was here influenced by a misleading statement of Oliver Wendell Holmes who coined the phrase that the life

of law has not been logic, it has been experience.[1] By this, in my opinion, Holmes only wanted to stress the point that the historical development of different legal institutions was not influenced by any consideration for developing any coherent system of rules which would be considered just and consistent with each other in the terms of natural law philosophy, but was influenced by the needs of practical experience. Holmes himself, with the intuition of the true genius, did actually apply in his legal investigations those principles which the science of logic is called upon to convey.

From the point of view of logic, however, it must appear rather strange that it could be thought that logic, to put it more bluntly still, should have nothing to do with truth. Actually the question " What is truth?" or, more precisely formulated, "How can a proposition which is supposed to convey a valid scientific principle be verified?", is the central problem of logic.

Modern logic, as I understand the position, in acting as *Mathesis Universalis,* as all-embracing theory of scientific research, co-ordinating the different disciplines, has set itself a threefold task, to be applied equally to all special disciplines:

(1) The determination of the proper method of investigation and scientific speculation adequate to a special discipline; this is generally referred to as methodology.

(2) The determination and clarification of the object of a discipline; this is done by clarification of what we mean by its objects in terms of a special discipline.

(3) The determination of the proper method of verification of the propositions, the scientific results, of any discipline.

II.

The school of thought which set itself the task of properly determining the correct application of modern logic to jurisprudence and which concerned itself mostly with the first task of logic, the methodological problems in jurisprudence, was Hans Kelsen's Pure Theory of Law, which we will now have

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[1] *Common Law,* p. 1.

to consider not only in the form of Kelsen's own teachings, but also in the variations which were evolved by those men who form what is known as the Viennese School of Legal Philosophy.[2]

Kelsen's logical foundation is the Neo-Kantian philosophy. Its basic axiom is that of the fundamental disparity of the realms of existence or "is" and of essence or "ought to be", which Simmel[3] contends is an original category, and cannot be properly defined, just as it is impossible to define being or thinking.

It will be shown that this regress to unexplainable ultimate distinctions which must be accepted as a barrier to further investigation is not acceptable to modern logic, which must take as its task the overcoming of this alleged disparity, and the discovery of what these two realms have in common, and of how they are connected. However, this self-imposed limitation did not actually affect the validity of Neo-Kantian speculations, but had only the effect of confining them to a restricted field ; what we need to do, therefore, is to go beyond these limitations.

According to Neo-Kantian philosophy law belongs to the realm of essence or "ought to be"; it consists of norms. Other fields which also belong to the world of essence and have certain norms as their subject are morals and etiquette, and that creates the problem how these three classes of norms can be distinguished from one another. Kelsen achieves this with the aid of the theory of the legal rule. The specific order in the realm of existence is created by causality, which implies that a certain state of things follows on certain conditions. When A is, B will follow, A denoting the cause, and B the effect. The correlate in the realm of essence is the norm which, as far as law is concerned, takes the form of the legal rule.

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[2] A good account of Kelsen's own teaching is given by Stone (*op. cit.,* Chapter 4) with a complete survey of the relevant literature. Though Stone is not concerned with the variations brought about by Kelsen's disciples, cross-references in the books quoted by Stone should enable the reader to follow up the differences.

[3] *Einleitung in die Moralwissenschaften,* 1892.

Just as causality depicts the form of the existing order in nature, according to which events follow each other as cause and effect, so the legal rule depicts the form of the legal order, according to which a certain human behaviour ought to happen on the happening of certain conditions. Kelsen distinguishes law from other norms, such as morals or etiquette, through the element of coercion; according to Kelsen law is the only norm the characteristic feature of which consists in ordering that on certain conditions one individual should use some form of coercion against another individual, such as depriving him of his freedom for a certain time, or taking his life, or taking money or certain chattels from him. In being sanctioned norms, the legal norms differ from those of morality or ethics, or those of etiquette or convention, which, according to Kelsen, lack this element of coercion.[4]

Objection was raised against Kelsen's formulation of the legal rule by members of the Viennese School, and different formulae were evolved by Felix Kaufmann,[5] Schreier[6] and myself,[7] of which those of Kaufmann and Schreier retained the element of sanction, while I agreed with Voegelin[8] in contending that the legal rule cannot be formulated so as to incorporate the *differentia specifica* which distinguishes legal norms from other norms such as morality and etiquette. Voegelin gives a good example which shows that norms of etiquette could also be formulated as sanctioned norms: if you enter a room where a party is in progress you should greet the lady of the house first; if you don't, you should be regarded as a boor and not be talked to by those present.

In connection with the methodological problems of legal theory with which we are concerned at the moment the

[4] *Reine Rechtslehre*, 1934, Chapter III, 'Der Begriff des Rechts und die Lehre vom Rechtssatz'.

[5] *Logik und Rechtswissenschaft*, 1922, and *Die Kriterien des Rechts*, 1924.

[6] *Grundbegriffe und Grundformen des Rechts*, 1924.

[7] "Zum Problem der Rechtssatzformulierung" (The Formulation of the Legal Rule), *Zeitschrift fuer Oeffentliches Recht*, Vol. IX, pp. 418-429, 1930.

[8] "Reine Rechtslehre und Staatslehre", *Zeitschrift fuer Oeffentliches Recht*, Vol. IX, pp. 80 sq., 1924.

controversy regarding the formulation of the legal rule is, however, not really important. Even if my formulation of the legal rule is accepted, that it is a hypothetical proposition of the kind, "if A, B ought to be" or, "under conditions A, certain individuals should take action B", the legal rule theory nevertheless does not lose its scientific importance as legal nomology. This in spite of the fact that under these circumstances the legal rule is no longer strictly a legal rule, because the given formula is equally applicable to all norms. Even though the legal rule theory only expresses the truism that it is the meaning of law that men should behave in a certain way, or should refrain from behaving in some other way, and states the conditions under which a certain action is demanded or another prohibited, this theory establishes a new and fundamental principle which can lead to new results in the formulation of legal concepts. If the principle which the legal rule theory conveys is correct, jurisprudence has to comply with it by reducing all legal concepts, general as well as special, to their proper meaning of being conditional orders and prohibitions. Interpreted in the light of the well-known tendency of the twentieth century logic,[9] the legal rule theory implies that the concepts of traditional jurisprudence, the majority of which were handed down to us from the Roman lawyers, must no longer be defined as substances of some kind; e.g., property must not be defined as power with respect to a thing (*dominium ex iure quiritium*), or corporations as some kind of real existences, but they will have to be defined as functions of conditional orders and prohibitions.

This, I think, is the most prominent achievement of the legal rule theory, as taught by Kelsen and his school. It is due to logic as general methodology that this theory is consciously applied to reasoning in the field of jurisprudence. In this respect the function of logic is actually only to make explicit those essential rules which the intuition of a genius would more or less unconsciously apply. This was the case when Holmes applied the legal rule theory, thirty years before

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[9] Cf. Ernst Cassirer, *Substanzbegriff und Funktionsbegriff*.

Kelsen, in his solution of the problem whether possession is to be regarded as a fact or as a right.[10]

Kelsen has shown in his own many publications, and especially in his *Allgemeine Staatslehre,* as have his pupils, the methodological advantages of the proper application of the legal rule theory in the solution of the special problems discussed in jurisprudence and the theory of law, as applied to the different legal disciplines.[11] A more detailed reference to these problems, however, is beyond the scope of this paper.

III.

The object of legal theory is law, and the question now arises how this object can be properly determined.

In this connection it is appropriate to refer to the famous dictum of Kant, that the question, what is law, would embarrass the learned lawyer just as much as would the question, what is truth, embarrass the logician. Kelsen quotes this dictum, and he adds that the biologist would be similarly embarrassed by the question, what is life? For this Kelsen offers the following explanation: A definition of law which depicts the specific difference between law and other similar objects is possible only on the assumption that law can be understood in conjunction with, and in comparison with, other objects. This assumption, however, is untenable from the point of view of the legal system. The lawyer understands

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[10] See *Common Law,* pp. 213 sq.

It is with great satisfaction that I draw attention to a most remarkable achievement of Justice Holmes, to which I first drew the attention of German lawyers twenty-four years ago, and the full importance of which, as far as I can see, had escaped English and American lawyers. But whereas, in my own treatise on possession, I stressed the differences of opinion, I would to-day be more anxious to stress the points in which I followed Holmes's lead, hoping thus to pay part of a debt of gratitude which I personally owe to the then Nestor of American jurisprudence, who, in a correspondence stretching over several of the last years of his life, gave me the highly coveted moral support of his great prestige and experience.

[11] I applied the legal rule theory in the interpretation of the law of possession, discussing the theoretical aspects and its application to the law of the Civil Codes of Austria, Germany, and Switzerland, in my essay "Der Besitzrechtssatz" (The Legal Rule of Possession), *Jherings Jahrbuecher fuer die Dogmatik des buergerlichen Rechts,* Vol. 77 (second series, Vol. 41), Jena, 1927, pp. 320 to 389.

law as a self-contained system, as a world in itself. Within the system there is nothing else but law, and the question, what is law, loses its point, if it is taken to mean, how can the specific difference of law as compared with other objects, be determined? Therefore, Kelsen says, the fact that jurisprudence has not yet fully determined its object cannot be held against it, and all endeavours of a lawyer to define law must therefore be futile.[12]

Kelsen at this point failed to draw the necessary conclusions from his line of thinking. He did this, however, from a different angle, in his theory of the basic norm, namely, that a method must be found by which what Kelsen calls the world of the lawyer or the legal system, beyond which the lawyer is supposed to be unable to go, is itself made the object of logical or epistemological investigation. This step was taken by Husserl, who introduced into logic what he called the phaenomenological analysis of the act of thinking.[13]

In this phaenomenological analysis we are investigating the act of thinking itself; we are investigating the true meaning of a special thought. By so doing we clarify our own thoughts, which may often in the beginning, especially where entirely new ideas are involved, be very nebulous. In the later writings of Husserl it became more and more apparent that what phaenomenological act analysis is aiming at is clarification, the logical and methodological reorganisation of our way of thinking in general, and especially of our approach to problems of scientific research.

The general idea is that clearly to solve a logical or epistemological or, speaking generally, a philosophical problem, we have to put ourselves outside the general line of argument, and determine and analyse its elements. We have two ways of doing this: either by concentrating on our own thoughts in connection with a certain problem, analysing them, and determining their meaning, or by doing precisely the

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[12] *Das Problem der Souveraenitaet und die Theorie des Voelkerrechts,* 1920, footnote, pp. 13 and 14.

[13] See *Logische Untersuchungen,* 3rd edition, 1922, 2nd volume, first part, pp. 9 sq.

same for some other individual's thoughts on the same subject. The second course takes the form of analysing the general line of argument as it is known from experience.[14]   Both methods were used in the past to answer the question what law is, the first by Kelsen in explaining his theory of the basic norm, the other by Holmes in his academic address "The Path of the Law".

Applying first the second form of phaenomenological analysis, which has the advantage of requiring, as Husserl would put it, a less unnatural mental attitude, let us imagine that we put the question "What is law?" to any man in the street; what is the answer we are likely to get?   The same question formulated in the orthodox phaenomenological way would be: If we reflect about our own thoughts, what do we actually mean, when we are talking about law?

The man in the street would, after pondering the question for a while, give an answer amounting to this: The law is a set of rules determining the mutual relations, or at least some mutual relations, of men, as applied by law courts and government authorities.   He would then recommend us to go and see officials of the law courts and government authorities for further advice.   In answering us, these officials would most likely try to make us familiar with certain rules, which, they would explain, are law, because they are laid down in Acts of Parliament and law court precedents, and because they conform with certain clauses of the Constitution.   If we were to enquire further, and ask why the Constitution is considered to be law, we would be told that this is so because the Constitution was promulgated as such by Queen Victoria.   Beyond this, further questions would obviously be futile. The authority of Queen Victoria to promulgate the Australian Constitution must be assumed as existing and valid, otherwise the legality

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[14] It is to be strictly kept in mind that the object of phaenomenological analysis is not some psychic phaenomena actually occurring, and manifesting themselves in some individual's actual thoughts, but the acts of thinking as such, visualized apart from any actual human being as a thinker, and any psychic occurrence of thought.   See Husserl, *Ideen,* pp. 120 sq., and Schreier, *op. cit.,* p. 8.

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of all rules and acts based upon, and conforming to, the Australian Constitution would be questioned.

The following conclusions can be drawn from the analysis of the legal act:

(1) No rule for human behaviour can be regarded as law unless it is applied by some judicial and/or administrative authority. There is no law, unless it is what the lawyer is used to call positive law.

(2) The law can be law now, or can have been law in the past. Certain rules may have been applied in the past, but are not applied now; the law has changed.

(3) Any rule stipulating any kind of human behaviour is capable of being law, provided such rule is being applied by some law court or government authority.

Of these two legal authors, Holmes was the earlier, though what he wrote fifty-four years ago was not more than a foreshadowing of the correct logical principle. In "The Path of the Law" he states that "if you want to know the law and nothing else you must look at it as a bad man does, who cares only for the material consequences which such knowledge enables him to predict"[15]; and he calls a legal duty and a legal right "nothing but a prediction that if a man does or omits certain things, he will be made to suffer in this or that way by judgement of the Court", and the law "a body of dogma or systematized prediction" of what the law courts are likely to do in deciding a case.

From the different starting point of Neo-Kantian philosophy, Kelsen gives what can be regarded as an analysis of the legal act in his theory of the basic norm.[16] The legal order, according to Kelsen, is a system of norms created in a series of law-making acts. The Constitution states how authority is exercised within the State. On the authority of the constitution the law-making Acts of Parliament are based. Acts of Parliament form the basis of government administration and of decisions of law courts. Administrative authority

[15] *Collected Legal Papers*, p. 171.
[16] *Reine Rechtslehre*, 1934, pp. 62 sq.

is delegated from Cabinet to government department, and down to the smallest unit of local government. Authority is vested in the law courts to create law between litigating parties. Thus the law presents itself as a hierarchy of norms, each norm constituting an application of law with respect to the higher norm, and a creation of law with respect to the lower norm. In this chain of norms and acts based on each other, there are, of course, last acts which constitute only an application of law, such as the act of the sheriff when execution is levied against the debtor. At the top of the hierarchy again there must be a norm which could not be imagined as being itself an application of some other norm. This is what Kelsen calls the basic norm, which constitutes the act of promulgation of the Constitution as a lawful act. For Australia the basic norm could be formulated thus: "Do what Queen Victoria (by promulgating the Australian Constitution) demanded".

It is clear that Kelsen arrives at his basic norm by analysing the legal act, the thought which has the law as its object. The question now arises, what is the logical nature of that basic norm?

The Neo-Kantian doctrine of a dualism of essence or "ought to be", and existence or "is", which is supposed to be primary, and neither capable of nor requiring further explanation, cannot be maintained. The concept of norm as expression of some postulate of human behaviour is not tenable without reference to the fact that it was formulated by some authority, and is intended to apply to the behaviour of a certain group. It is the meaning of a norm to refer to this typical relation between the authority and the group whose behaviour it is to regulate. Promulgating authority and group addressed are as essential to the concept of norm, as are father and child to the concept of paternity.

What Kelsen calls the basic norm cannot therefore be a norm because it lacks a promulgating authority. Since it is intended to denote a certain legal order as a coherent system of norms which are united through the principle of delegation

of authority, the basic norm is in fact nothing else than a description of what constitutes a legal order. Kaufmann therefore aptly calls the basic norm the definition of law, the definition of a certain system of positive law.[17]

The analysis of the legal act (or more precisely, the phaenomenological analysis of the act of thinking the object of which is the law) reveals that there is no law unless it is positive law, because we do not mean anything else but what the lawyer calls positive law, when we speak of law. From this it seems that a general definition of law, of the kind Kant had in mind when he rejected as a tautology a definition which merely denotes what the law of any country at any time requires, would be impossible, and that there would be as many definitions of law as there are independent sovereign states or nations. This, however, is not so. The different legal orders are actually interconnected by cross-references effected by certain legal norms contained in the legal orders of each of the different sovereign nations, and also by norms created by international treaties. This gives us the possibility of either comprehending all legal systems in a unified system by starting from one sovereign state, or of imagining that a world union of nations is created by those norms which we call International Law. Whichever side we take in this controversy, however, one thing is beyond doubt: the existing interconnections of what we may call sovereign legal orders enable us to comprehend as one great system of law, actually covering the whole world, what might appear as several independent systems. Thus, what Kelsen calls the basic norm becomes the definition of law in general.

We have given the definition of law on the assumption of what, in the theory of International Law, is termed the supremacy of Municipal Law. The definition would be different on the assumption of the supremacy of International Law. Kelsen thinks that both solutions are equally possible,

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[17] The text follows in the main points the solution of the problem given by Kaufmann in his essay "Juristischer und Soziologischer Rechtsbegriff" in *Gesellschaft, Staat, und Recht, Festschrift gewidmet Hans Kelsen zum 50. Geburtstage,* 1931.

while Verdross,[18] Kunz,[19] and Starke[20] favour the theory of the supremacy of International Law. On the latter basis the definition of law would, of course, have to be formulated differently, though the logical principle involved is the same. To go further into the problem of defining law on the basis of the supremacy of International Law would not only require us to deal fully with the theory of International Law, but would also involve technical legal problems of International Law, which fall outside the limits of this paper.

IV.

The determination of the proper method of verification of the propositions of legal theory depends on the logical nature of these propositions and the classes of facts which form their object.

The analysis of the legal act, or in other words the definition of law as stated above, tells us what classes of facts form the object of legal theory.

(1) The contention that a certain norm stipulating some kind of human behaviour is law implies that the norm emanated from a duly constituted authority within the legal hierarchy, and does not overstep the limited authority delegated to it. To verify such a contention it must be proved :

(a) that a competent authority actually made the order,
(b) that the competent authority was properly constituted in the terms of delegation of authority, and
(c) that the norm does not go beyond the limits imposed by the delegating authority.

The practising lawyer in everyday court litigation is used to refer to these questions as "questions of law".

(2) The contention that a certain concept, such as property, possession, contract, bill of exchange, common carrier, etc., is a legal concept is true, if it can be proved that

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[18] *Die Einheit des rechtlichen Weltbildes auf Grund der Voelkerrechtsverfassung*, 1923, and *Die Verfassung der Voelkerrechtsgemeinschaft*, 1926.

[19] Kunz, "Zur Hypothesis vom Primat des Voelkerrechts", *Revue de droit international, de sciences diplomatiques et politiques*, 1927, pp. 1-15.

[20] Starke, *Monism and Dualism in the Theory of International Law*, 1936.

it correctly refers to, and can be expressed in terms of, a legal norm. This follows from the methodological postulate stated above, that all legal concepts must be reduced to functions of conditional orders and prohibitions.

(3) The contention that a certain behaviour is legal or illegal can be verified by reference to the fact that the legal behaviour is either demanded or not prohibited by any legal norm, and that the illegal behaviour is prohibited by a legal norm.

It is certainly often very difficult to prove the facts which form the object of legal theory. Whatever may be the material in which the legal norm is expressed, statute, precedent, court practice, or some legally recognised custom of commerce, the inherent defects of language and other means of human expression make it doubtful what meaning should be attributed to these expressions; and as far as the true meaning of these expressions is open to doubt, the problem of the proper interpretation of the legal material becomes part of the problem of verifying the propositions of legal theory.

It is interesting to note that Stone treats the problem of interpretation in connection with what he terms logical questions in law under the headings of "Uses and Limitations of Logic" and "Fallacies of the Logical Form"; in America the fight against what is termed logic in jurisprudence takes the course of demonstrating that logic cannot help in solving the problems of interpretation of the legal material. Stone uses here an interesting argument. He quotes the case of Haseldine v. Daw, which was decided by the English Courts in 1941. In this case the Court had to decide the standard of duty owed by the lessor of a block of offices who under the relevant leases reserved (*inter alia*) the lift, towards a stranger using the lift to call on one of the tenants. The Court posed the question whether the operator of such a lift was to be regarded as the owner of realty; or whether he was to be regarded as a common carrier—that is, one who holds himself out for reward to carry members of the public from place to place. If he was the former, then he owed to the stranger only the degree of duty owed by the owner of a property to one who goes thereon as a licensee. If the latter, he owed the more stringent duty

of a carrier of passengers. While the defendant-lessor had observed the former standard, he had not observed the latter. "The Court", says Stone,[n] "had available two alternate syllogisms: (1) Occupiers of premises owe only duty X towards licensees; this occupier observed duty X to this licensee; therefore this occupier is not liable to this licensee. Or (2) common carriers owe duty Y to this customer; this common carrier did not observe duty Y to this customer; therefore this common carrier is liable to this customer. No logic of the kind respected by the analytical jurists could dictate to Hilbery J. which of these competing alternatives to choose".

The objection to this line of argument is that the application of the syllogism is incorrect. To apply the syllogism correctly it must be remembered that the legal norm takes the form of a conditional command. Under conditions A, B, C and D, a person should act or refrain from acting in a certain way. The proper syllogism would therefore be: Under conditions A, B, C and D a person should act in a certain way. Conditions A, B, C and D are fulfilled with respect to the defendant X. Therefore defendant X should act in a certain way.

It is, of course, not only possible, but very often actually the case, that the facts do not fit exactly the hypothesis of a legal norm, because, if they did, that would make civil cases clear, and no litigation would arise. The judge will find that he has the choice between several norms, and he will find that from the point of view of logic the different alternatives available are equally possible solutions. Stone is only stating a truism if he says that in such a case no logic could dictate to the judge which of the competing alternatives to choose. But what logic can do is to show to the judge what the limits of his authority are, and what alternatives he has in acting under this authority. The choice between logically equal alternatives has to be made according to principles which are not logical, but ethical or political. The delegate of legal authority faces here the difficulties which any law-maker would have to face.

[n] *Op. cit.*, p. 139.

Legal theory, however, can concern itself only with such problems as arise in connexion with the legal norm itself. The fact that a practical lawyer, whether judge or counsel, should have some knowledge about what is called the theory of justice, or about ethics, to assist him in his decisions, or about engineering or medicine to assist him in cases where patent rights or injuries are concerned, does not make these disciplines part of a science of law. Theory of law or jurisprudence must be kept strictly distinct from sociology, economics, moral and political philosophy, and all other fields of human thought or science which, because law covers all possible human activities, can all have some bearing on any case before a law court.

The scope of legal theory is defined by the idea of the *Mathesis Universalis*. The idea of co-ordinating the several branches of scientific research implies a proper distinction of these branches. It implies further that the different disciplines must be clearly distinguished from one another, and their respective boundaries correctly defined. What constitutes legal theory as a proper discipline, as a part of the *Mathesis Universalis*, is just its confinement to the special phaenomena, and in connexion therewith the special problems, which are characteristic of law only. We have enumerated these problems here: The definition of law, the formulation of the legal rule, the problems connected with the delegation of legal authority, the formulation and definition of legal concepts, and the problem of interpretation.

V.

Theoretical investigations of the kind here presented must be prepared to face two major challenges, especially if they claim to be genuinely philosophical: what is their practical value, and what are they able to contribute towards cultural advancement generally?

Kaufmann concluded his book *Logik und Rechtswissenschaft* with the pertinent question what could be regarded as the practical value of theoretical investigations. His answer, written nearly thirty years ago, has gained in significance in these thirty years. "This question", he says, "need perhaps

not be taken more seriously than the one whether the theory of electrons would simplify the making of lightning conductors. Each practice is the application of some theory, and each theory eventually produces an adequate practice." Since then the theory of electrons has found its practical application in the production of electronic tubes.

It could well be imagined that court practice as well as legislation would benefit highly by a theory of law which is instrumental in clarifying those concepts and the true meaning of those facts which comprise legal technique.   Law has acquired a language of its own, practically unintelligible to the man in the street, which has nothing to commend itself apart from the fact that under the cloak of tradition it has avoided sharing the developments of popular language and gives an appearance of enhanced importance to the legal profession.

The example of electronic theory and practice shows that the eventual practical application of a new theory also leads towards cultural progress generally.   The contribution to cultural advancement which we may expect from a social philosophy or social science which avoids taking sides in the political and ethical controversies of its time, and strictly excludes any reference to political argumentation or moral justifications when establishing its theories, must necessarily be of a different kind from what is generally considered to be the achievement of, for example, the social philosophers who are regarded as the fathers of the French Revolution. It is to be expected that a theory which ultimately leads to a complete severance of social science from the political emotions of its time will assist advances in social technique comparable to those made in the field of science proper since its development ceased to be retarded by the prejudices of those in power. It will then be found that progress in social science, as in science proper, can only be achieved if social theory keeps strictly aloof from contemporary political ideology, remaining free and independent not only from the likes and dislikes of the mighty of this world, but also from the popular beliefs and prejudices of its time.

SUBJECTIVITY AND THE AESTHETIC USE OF SYMBOLS (I).

By Denis Grey.

In this paper I wish to draw attention to some features of aesthetic situations and of judgments about them, and to consider whether, by examining the way in which at least some aesthetic symbols work, we can throw light upon these features; and in particular whether we can so discover evidence upon which to decide whether or not these features are, as at first sight they seem, peculiar to aesthetic appreciation and to aesthetic judgments.

By "aesthetic situation" I shall mean the appreciating (to whatever degree, high or low) of a work of art as beautiful. And by "aesthetic judgment" I shall mean a judgment of the type "X is a good (bad, indifferent) work of art" or else of the type "X is beautiful". The difference between these two statements we shall have to ignore. By "beautiful" I mean giving aesthetic pleasure, of whatsoever degree and of whatever type—if there is more than one type of aesthetic pleasure. But I do not wish to imply what I think is false, namely that there is a special type of existent called "aesthetic pleasure" or that this special type of pleasure is sometimes present and sometimes utterly absent. The metaphysics of aesthetic situations we shall have to leave aside; and I am assuming for this present purpose, that when we are faced with a work of art we are taking delight in what we call beauty as well as doing other things besides. The "delight" of this complex experience is what I am calling "aesthetic pleasure"; within limits, we can distinguish it (I assume) from the complex pleasure of other experiences which are not *prima facie* of this kind.

It seems characteristic of at least some aesthetic situations that we cannot make up our minds and decide that X

is a good work of art without knowing something about the
author of X. This is often the case with "minor poets" or
composers—with the authors of many epigrams in the Palatine
Anthology, for example. What, for instance, are we to make of

> Venus, take my votive glass,
> Since I am not what I was:
> What from henceforth I may be,
> Venus, let me never see.[1]

or

> My tears, dear love, and this thy funeral pall
> Receive; and taking, take in them my all,
> My Nothing, which is all I have to give
> When thou art dead, and I, alas! must live:
> Nothing is all th' estate a man may have
> When that his wife is laid within her grave.[2]

We can perhaps estimate these for style and metre and skill
in versification; we can say perhaps whether they are typical
of the *genre,* and see where and how they depart from it. But
what are we to do when we get beyond these technical
questions? Have these poems the very high type of beauty
which comes from concentrated and transparent simplicity, or
are they merely trite? Suppose I judge—as in fact I do—that
they do have this kind of beauty. What is my judgment worth?
How am I to discover whether it is right or wrong? There
will be no question of the *fact* of my aesthetic enjoyment: the
question will be whether that enjoyment is, so to speak, illicit
—whether I am appreciating something that isn't there, so
that my judgment is not authentic. And it is clear that I
could go a long way toward removing this doubt if I could
ask the author of the poem what he means by it. "I find your
epigram on Lais intensely moving and tragic and beautiful",
I might say. "Did you feel like that when you had written it,
and is what I find there what you intend to convey? Or did
you mean simply to throw off a sardonic observation for fun,

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[1] J. W. Mackail's Selection, ii, 22. Trans. by Matthew Prior.
[2] *Ibid.,* vii, 21. Trans. anonymous

in a pretty little wrapping of orthodox metre?"   It is not
quite so clear to me what conclusions I should draw if Plato
told me he was just being witty.   I might decide he had
produced this beauty by accident, and that the poem none the
less had the excellence I found in it.   I might decide that from
Plato's point of view, and from the majority point of view,
I saw in it more than I had any business to see.   In either
case I should be satisfied of the validity of my aesthetic
experience—that is, that I had it and that this poem gave it
to me; but I should be less confident about my judgment of
the poem—that is, that mine was the sort of experience which
everyone ought to have in face of the poem.   But the point
I am concerned with is that the author's intent, and more
generally the experience of which the poem is the issue and
clarification, is not irrelevant to the judgment I make about
the poem, or to the interpretation I put on it and on which
my judgment rests.

Again, at least sometimes it is the intention of the author
which determines whether or not what we are dealing with is
a work of art at all.   Consider this advertisement from a
newspaper :

> I shall be transporting Bobby Calves, as usual, from
> March 13 to June 26.   Signed, X.Y., Carrier.

If this statement is taken as the carrier's comment on the
pathos and futility of his own and of all human existence,
accepted and recognized with ironic humour and resignation,
then it gives distinct aesthetic pleasure (at least to me) and is,
in its degree, a work of art, an example of the aesthetic use of
symbols.   But if he does not so intend it the pleasure we have
is of our own making and not of his : we are the artists, and
not the carrier, and we should be mistaken to suppose other-
wise. Similarly, we should be wrong to take some of Malherbe's
sonnets as if they were genuine expressions of emotion and
meant what they said, when in fact they are erotic techno-
paignia and must be judged with that fact in mind—i.e., on
"technical" grounds.   Or again, we could take Shakespeare's
sixty-sixth sonnet ("Tired with all these, for restful death

I cry") as an attempt to write a love-sonnet containing as many lines as possible beginning with "And". We could also take it as an honest expression of what it appears to mean and be. In each case, the experience we have and the judgments we consequently make will differ. And should it turn out that the author meant it as a technopaignion, we shall be misconstruing the work by taking and judging it otherwise.

There is, of course, a tangle of difficulties and problems in all this which I can do no more than mention here. For example, just *how* is the question "What does he mean?" connected with the question "Is his work beautiful?" and the different but allied question "Is it a good work?" My examples show, I think, that there is *some* connexion, but they don't tell us what it is. Again, "meaning" is a notoriously slippery fish. My "meaning" may be one thing, and what I actually convey quite another. I may even intend to conceal, say, the dislike which my words nevertheless unmistakably display; so that you do indeed understand what I mean, though not what I meant to mean. It is as if you overhear me talking in my sleep, or read my diary when I do not intend that you should. This point has bearings on the question whether art is or is not "communication", since we must distinguish at least two senses of this term. Indeed, this very ambiguity has been converted into an artistic device; irony, for example, depends on it, and so do its special rhetorical applications like meiosis and *praetermissio*. And at the other end of the scale we find a poem like Browning's "Adam, Lilith and Eve", in which this situation of doubt is itself held up for aesthetic contemplation: all depends on how far the speakers are "nice in concealing what they would not hide". I shall not undertake an analysis of "meaning" here, and to that extent what I have to say will require qualification. But it will not do, I think, to make an abstract and general analysis; we must look at each case on its merits and see exactly how the ambiguities and difficulties are operating in *this* example. For formalism in aesthetics is even more dangerous than it is elsewhere.

In cases like those I have cited there is, it seems, aesthetic appreciation of *something,* and this something is not unconnected with the work of art. Yet it is not appreciation strictly *of* the work of art. For we are not sure what the work of art is, or whether there is one at all. And in such cases the intention of the author is relevant to the aesthetic appreciation we have and to the interpretation we put upon the work (we cannot separate the one from the other) and also to the judgments we make about it. This point is connected with the "subjectivity" of aesthetic judgments, since it is one reason why we may hesitate to make a given judgment legislative or normative for a given work of art. Further, it seems that in these cases what is experienced and judged beautiful is the production—either wholly or in part—of the person judging. And the following questions arise: Does this occur in all cases of aesthetic judgment and appreciation? Whether it does or not, is this sort of subjectivity peculiar to aesthetic situations? And whether it is or not, is it a derogatory feature? It might, for instance, be a distinctive feature of aesthetic as opposed to other cognitive situations; and yet we might not therefore be justified in regarding aesthetic judgments as essentially unreliable—much as the "subjectivity" of so-called secondary qualities does not warrant our regarding judgments about them as hopelessly unreliable and useless for knowledge. Or it might hold not of aesthetic awareness merely, but in principle of all awareness; and we might find then that lamentation was pointless or wrong.

We can put these questions otherwise: What exactly is the object aesthetically enjoyed? What are its constituents? Is it, or is it not, public and neutral? I shall not be able to deal properly with these questions here, though I fear I shall have to assume an answer to some of them, which I shall give in a moment. But we can, I think, say this much without assuming more than we ought. If the cases I have cited are not special exceptions, it looks as if we must say that we can never prove, and in that sense never know, that any given aesthetic experience of ours is what I have called authentic;

and also, we must allow of any given aesthetic experience that there is no reason why we should *not* have it, in face of this work of art, except the obligation to understand anything to the best of our ability (which usually means better than we do on any given occasion). We cannot prove that the object of our appreciation is the self-same object as created by the artist. Yet we can hardly doubt that he does create an object, and that if this is what we enjoy then in an important sense we are not misconstruing the work of art, and our judgments about it should command respect and are open to the normal processes of correction. At the same time, if the object we enjoy is different from the object he creates, we are not *wrong* in finding this different object and enjoying it. But our judgments about the work of art rest on the object we enjoy. And if that object is a misconstruction, in the sense I have illustrated, our judgment about the work will be mistaken, in so far as it rests on an understanding which is a *mis*understanding. Thus it would seem that:

All aesthetic judgments are liable to be changed in the light of further experience. Some aesthetic judgments are about the artist's created object and not about something else, and are true of that object. There is no reason in principle why these judgments may not be made by anyone and everyone. These judgments, though privileged, cannot and do not dictate what aesthetic experience I should have, though I must allow them to legislate for me in the sense that at least one of my experiences of the given work of art should be such as to give rise to these judgments if I am to understand the work.

There is nothing to prevent me from enjoying a work of art in any way I please, provided that I exercise my capacity to its limit on at least some occasions. But there will be one "right" or "definitive" interpretation of the work (which I may or may not be able to understand and appreciate, at any given time)—namely, the one intended by the artist whose product it is. In one sense of "intended", of course, it will be proper to say that the artist doesn't know what he "intends" until his work is finished; phrases or cadences or harmonies

may actually surprise him. But this is not the sense I am concerned with here, for it is irrelevant. Even if this "right" interpretation, when I aesthetically enjoy it, under-exploits the aesthetic possibilities of the work as I see them on other occasions, it is still definitive. There is nothing peculiar in this. In a similar way (if I may anticipate) any statement I make, or any action I do, is "rightly" interpreted only when it is taken to convey what I wish to convey by it. It may reveal a richness of suggestion or character to someone else which was hidden from me; but it would still be wrong to give it this plenary significance as coming from me, though it is not in the least wrong to find the significance there. Its significance is valid for you, though you are mistaken if you impute it to me, and your judgment about my statement will not be authentic if you do.

If we are to say this sort of thing about aesthetic judgments we must be sure that the artist is involved in them in the way that he would appear to be, from my examples; and secondly we must establish at least the possibility that we can enjoy as our aesthetic object the object of his creation. Even if the examples are atypical they will have all the importance of exceptions. And even if they hold only for literature or the analogous arts, they may give a clue to the understanding of all aesthetic situations.

It is here that we may find some help if we consider the way in which symbols are used when they are used aesthetically—that is, as parts of a whole seen as beautiful. Or, to put it more accurately, there is (I think) one way of using symbols aesthetically which may or may not be the only way and may or may not extend to all types of symbol. And this use makes it essential (a) that the artist is involved in the way I have suggested, and (b) that the object enjoyed is, ideally, the object created by him. (Whether or not the ideal is realized is an empirical question; we must consult our own experience and we cannot prove it either way.) It makes (a) essential, because when symbols are used in this way they cannot be aesthetically understood to *any* degree without some supposed

understanding of the intent of the person using them, whether
it be mistakenly supposed or not. And it makes (*b*) essential
because, granting that such symbols can be understood at all,
it follows that there is only one way of understanding them,
which is *eo ipso* understanding the object created by the artist.

However, it is extremely difficult to talk intelligibly about
this way of using symbols aesthetically. Fortunately, there is
a recent and lucid discussion of it by D. G. James in his book
The Life of Reason[3] (Chap. III, Sections vii–ix), which I shall
take leave to abbreviate more or less in my own words. But
before I do so I propose to give dogmatically, as a frame for
the topic, some remarks about the "aesthetic object" which
must anticipate in part the answers to the questions I have
raised. I cannot defend them here beyond saying that so far
as I can see at present, they are required by the evidence of
such examples as I have given and by my own experience.
But I should make it clear that I am not intending to give
the aesthetic object any peculiar metaphysical status of "sub-
sistence" or the like. About the aesthetic object, then—that is,
what is aesthetically appreciated—I should say:

  (i) It is not the same as the actual work of art, in the
      sense of the actual picture hung on the wall or the
      actual vase bought by the museum. Let us call this
      W. W is as public and neutral as any physical object.
      It can be a "natural" or God-made object, or it can be
      man-made, either by me if I am an artist or by some-
      one else. When people talk about aesthetic unity,
      proportion, balance and so forth, it is normally to W
      that they think they refer. But what is seen as
      beautiful is not W but something else, namely, the
      aesthetic object. Let us call this O. O is then an
      abstraction from an actual situation. What kind of
      abstraction I do not here enquire.

 (ii) O is always man-made, and always made by the person
      enjoying the aesthetic experience. It is made on the

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basis of W, and to that extent is not made but found
by him. But he does not find more than its *basis,* W;
O is not found ready-made.

(iii) O is a whole of a special type; namely, a whole
exhibiting not merely physical or logical unity but
aesthetic unity.

(iv) In some cases the boundaries of W and O may
coincide; in other cases O may indefinitely exceed W,
or include only some portion or aspect of W. (For
example, sometimes what I enjoy aesthetically is not
merely the picture but the-picture-in-its-frame-in-this-
place-in-this-room. Sometimes my appreciation of
"the poem" involves the voice and interpretation of
its reader, or its antique spelling; or, as with certain
Japanese poems, the shape, choice and arrangement
of the written symbols. Similarly, the musical
aesthetic object may involve the interpretation of the
performer or even the instrument he plays—the
B.B.C., for example, provides a choice among pianos,
so that one may select the most (aesthetically) suit-
able for the given work. Conversely only a part of
W may be included, deliberately or because one cannot
grasp the rest of it equally well; I may, for example,
attend primarily to the orchestral colour of
Stravinsky, or the harmonic scheme or what not,
without integrating all such aspects into an aesthetic
unity.)

(v) O varies or may vary not only from one percipient to
another but for the same person from time to time,
while the same W remains as its basis. Thus I may
be aware of W non-aesthetically—that is, without any
O. Or I may enjoy a more or less extensive or inten-
sive appreciation. Or I may include in the O's I
construct upon W from time to time a varying
penumbra of aesthetic relevance. (For example, the
poem by Hérédia read in a punt on a summer after-
noon may or may not occasion a very different object

of appreciation from the one it provokes when appearing suddenly in Sherrington's Gifford lectures.   It depends on how much I include, in my O, of W's physical and mental context.)

(vi)   It is not easy to say what is the content of any given O. But whatever we find on reflection to have been aesthetically irrelevant falls outside O. In the case of real attention to the work of art, W is the "focus" of O. But W can enter non-focally into O, that is as part of the penumbra. (For example, the opera I hear may be for me the primary or only a subsidiary though relevant element in my aesthetic object—which is, say, the whole social scene, or some emotional situation aesthetically enjoyed, like a flirtation with the occupant of the neighbouring box.) The normal discussions of "form" and "content" are irrelevant here. For either they refer to W not as aesthetically enjoyed but as being analysed or otherwise considered on the basis of past aesthetic enjoyment (it *may* be possible to do both of these together, but they remain different kinds of activity, with different objects) or they depend on a confusion between W and O. A typical question, for instance, is whether the voice of the reader is part of the content or the form of the poem. To the poem it is quite extrinsic, though it may be relevant to the aesthetic object. Strictly speaking, "form" and "content" are not applicable to the aesthetic object. They are the products and instruments of an analysis beneath which the aesthetic whole disappears.

(vii) Where W is a symbol (including gesture) one ingredient of O is the "conceptual meaning" of W (significance reproducible by paraphrase). As constituent in O, the symbol conveys many things or meanings simultaneously. The resulting complex significance, which belongs to O and not to W, is "aesthetic significance", which is not reproducible by paraphrase. It may be

that in all cases where W is a work of art O contains some element of conceptual meaning. Thus the beautiful vase, gem, aeroplane, seems to convey at least the "loving care" or "pride of achievement" of its creator. Sometimes this element amounts almost to a message conveying the artist's own aesthetic pleasure in the object; sometimes to an injunction to enjoy what he has enjoyed.

(viii) All ingredients of O are "fused" into the aesthetic unity of the whole. In particular this involves unity between what the symbol W signifies and the symbol W itself. (It is sometimes alleged that one can appreciate a symbol aesthetically without having the faintest idea of its meaning. T. S. Eliot, for instance, urges that Dante's poems are beautiful even to those who have no Italian. This situation is perfectly possible. But in that case W is the symbol itself and not the poem; that is to say, W is not being taken as a *symbol*. Or if W be the poem, then the O constructed upon it takes in hardly any of W. In either case, the situation approximates to appreciating "natural" beauty, and so is irrelevant here.)

(*To be concluded.*)

DISCUSSION

LOGIC AND PROFESSOR ANDERSON

By John Mackie.

Like many others, I am hoping to see a reply from Professor Anderson to Professor Ryle's article in the December 1950 number of this Journal. But meantime I shall try to clear up some misunderstandings, and to bring the contestants to closer grips with one another.

Ryle's main argument seems to be this. Anderson starts off well by debunking metaphysics, but he ends up maintaining that mathematics is an empirical science, that implication is an empirical relation, and that "good" is a descriptive term like any other. These three positions are too absurd to be considered, so something must have gone wrong. And what has gone wrong is that Anderson's logic is too exiguous, that he recognizes only two categories, quality and relation, whereas one ought to admit a lot more.

Now this is not a very convincing argument, except to one who has *already* dismissed Anderson's main doctrines. In fact, when one understands them the empirical account of mathematics and implication and the positive theory of ethics are not absurd; whether they are right or wrong, they are at least defensible. Why, then, does Ryle not think them worth discussing? In the first two cases he may be just taking as beyond question the views that happen to be popular among philosophers and mathematicians at present. But Ryle has an additional reason for thinking that Anderson's ethical theory is absurd. Ryle is assuming that the task of philosophy is to analyse linguistic usage, and as an analysis of the bulk of existing ethical usage Anderson's ethics would be absurd. In fact Anderson would agree that if one wanted to analyse this usage—a task in which he is not particularly interested— one would have to say that ethical terms have a prescriptive force, that (in Ryle's language) the job they do is not merely

a descriptive one. But Anderson is concerned with something else, with the qualities of human activities, and here it is the prescriptive view that is, if not absurd, at least very queer. It would be very strange if the character of an activity should itself command its performance.

There is indeed some force in the objection that the quality Anderson calls "good" has little right to that name, that it is not in fact the subject of any considerable part of traditional ethics, but there is at least this connexion between Anderson's ethics and the main philosophical tradition, that many philosophers have claimed to be pointing to qualities of human activities when they spoke of "goodness" and "rightness".

This difference of interest, that Ryle is concerned with linguistic analysis whereas Anderson is concerned with the features of the things talked about, is at the root of several other misunderstandings. Take, for example, Ryle's complaint that Anderson's logic is too exiguous. (Note that if we reject the *a priori* assumption that Anderson's main doctrines are absurd Ryle's criticism must rest upon a direct demonstration of this exiguity.) It is quite true that if "categories" are the types of predication found in ordinary language, or the sorts of job that language does, there will be more than two categories. But if we ask how many sorts of fact there are, it is much less obvious that there are facts which consist neither in things having (or not having) a certain quality nor in relations between two or more things.

Incidentally, there is a further misunderstanding in Ryle's belief that Anderson originally recognized only singular affirmative propositions; Ryle is misled by his assimilation of Anderson's "propositions" to the atomic facts of Russell and Wittgenstein. Anderson has always recognized at any rate the "four forms" and his account of causation (in 1938) in terms of universal propositions is not a recantation. It is very strange that Ryle should have made this mistake, when he quotes from an article published in 1929 a passage which treats universal propositions as the facts in terms of which other statements are to be analysed and not as themselves

requiring analysis. Anderson's statement that "in any [judgment] . . . some situation is stated to have occurred" is misleading when taken out of its context (which is the discussion of such moral judgments as "this act was good", where universality is not at issue), but he had no intention of construing all propositions as "reports of particular spatio-temporal situations". In fact he has constantly criticized the view that there are atomic facts or atomic propositions and that knowledge is analysable into such "reports".

But Anderson does, of course, maintain that universal propositions, like any others, are to be construed spatio-temporally, that if all swans are white there must be places and times at which there are white swans. Ryle objects that we cannot ask such questions as "When?" and "Where?" about universal propositions. But there is no difficulty about this. If the proposition is true, it occurs over all the places and times where there are swans—that is, over a very large number of spatio-temporal stretches. Of course we don't normally react to the statement "all swans are white" with the questions "When?" and "Where?", but that is because we know that the answer would be of the sort indicated, and such information would be of little use.

When these misunderstandings are cleared up, does any force remain in Ryle's detailed criticisms—for example, those dealing with knowledge and implication?

Ryle's account of knowledge is a dispositional one; he holds that the verb "know" is used in somewhat the same way as the adjective "soluble". Now let us concede this point for the present, and admit that "to say that someone . . . knows something is to say that . . . certain sorts of things can go on". Admitting this, we are equating the usage of "know" in certain respects with the usage of "can". But about either usage Anderson's question may be asked, "To what sort of situation does it refer?". An answer may be given along these lines: the statement "X can tell someone the date of Easter" refers to the fact that *whenever* X is asked (politely, etc.) the date of Easter he gives the right answer. Of course, the "can" statement doesn't mean quite the same as the "whenever" one;

they are not interchangeable in usage; but the latter describes more accurately the fact to which the former refers. Now this account may be too simple—e.g., the fact referred to may be not this one but the fact that X is a member of some class Y, and that all members of Y, when asked the date of Easter, give the right answer—but in any case, *some* universal proposition is being referred to. Therefore, even if Ryle is right about the *usage* of "know" (and so about what *he* would call the logical issue), there may be no deficiency in Anderson's logic as a treatment of what Anderson would call logical problems.

(Personally, I should withdraw the concession made above. There is an obvious difference between "know" and "soluble", in that everyone who knows what a dispositional word is would agree that "soluble" is one, whereas the discovery that "know" is one is of quite recent date, and many people still find it hard to swallow. There is, of course, the set of dispositions with which Ryle equates knowing, but the dispositions of such a set may have a common "ground" or "basis"—indeed, it is hard to see otherwise how they form a set and come to be called by the one name—and it seems probable that in the case of knowledge the common ground is a certain relation between the knower and what he knows. It seems to me that in ordinary speech "know" is used to assert the occurrence of such a relation. But this is by the way.)

As Ryle says, "the same sort of thing is clearly true of implication". The usage of "p implies q" is equivalent to the usage of "it could not be the case that p, but not-q". But to what sort of fact do these usages refer? I think it is the fact that p and q are of certain corresponding forms, and that whenever a proposition of the same form as p is true the corresponding proposition of the form of q is true. Again, the statement about what "could" happen is found to refer to a fact in the form of a universal proposition. But the "could" statement and "p implies q" do not exactly *mean* this; they express both more and less than they refer to.

We can, I think, deal with hypothetical and disjunctive statements, those containing "may" and "must", probability statements, and so on, along the lines indicated above for dispositional statements and statements of implication. The pattern of usages is fairly complicated, but the sorts of fact they refer to are comparatively few in number. But whether Anderson's answers (or mine) are correct or not, the questions "To what sorts of fact do these usages refer?" and "What sorts of fact are there?" are surely important ones, which Ryle's method of philosophizing fails to tackle directly. The study of relations between usages may be a fascinating one, but it cannot be the whole of logic. In fact, Ryle's procedure (in *The Concept of Mind*) reveals this. In discussing and correlating usages he makes use of a much simpler background logic, which recognizes two sorts of propositions, hypotheticals and those about events; "law sentences" and "law-like sentences", for example, are reduced to hypotheticals. Ryle's basic logic, then, seems to be Russellian, and that means that there is a more fundamental disagreement between Ryle and Anderson than those with which Ryle explicitly deals. That is to say that when Ryle contrasts the complex of usages that he studies with the forms of proposition that Anderson recognizes, there is not a real disagreement but a misunderstanding; they are talking about different things. But Ryle also has, at least implicitly, a logic in Anderson's sense, and between it and Anderson's logic there is a real disagreement.

A defence of the empirical view of mathematics (which Anderson has *not* abandoned) would be too big a job to undertake here, and indeed it would hardly be relevant, since Ryle has advanced no arguments against this view. But I suggest that the same misunderstanding may be occurring in this field too. The *usage* of mathematical statements may differ from that of most other statements, because of the way in which basic mathematical facts are built into language, and yet the statements may refer to facts which are of the same order as any others.

CRITICAL NOTICE

By JOHN MACKIE.

THE PLACE OF REASON IN ETHICS. By Stephen Toulmin.
(C.U.P., 1950. xiv + 228 pp.) Price (U.K.), 16s.

This is an important book, both because it exemplifies some
of the latest techniques of the linguistic school and because
it presents a view of ethics which is becoming very popular.
Toulmin is one of those who have recently had the idea of
approaching ethics by the back door; instead of asking directly
what goodness or rightness is, he asks what would be good
reasons for acting in one way rather than another. He defends
this approach on the ground that the three forms of the
traditional approach, the objective property, the subjective,
and the imperative accounts of ethics, are all unsatisfactory.
His criticism of these follow well-known lines, though in
up-to-date language.

After making a lengthy "pilot investigation" of scientific
reasoning to discover the logic of scientific explanations and
to show how the criteria of a good explanation are related to
the function of science, he tries to show in a similar way what
is the function of ethical reasoning and how the criteria of
good reasons for action are related to this function. In brief,
his conclusions are that the function of ethics is to harmonize
people's actions and that good reasons are of two sorts: if one
asks whether a particular act is right, the answer is usually
in the form of a reference to some general rule that forms part
of a moral code, but if one goes outside the code and asks about
the justice of the general rule or practice itself, the answer
will be that one rule is better than another if a change to it
would result, on the whole, in an increase of happiness. He
thus finds a place for both "deontological" and "teleological"
forms of reasoning.

But now we have a problem: Is Toulmin's statement that such-and-such are good reasons for acting to be taken descriptively or prescriptively? Is he merely saying that reasons of this sort are generally taken to be good ones, that this reasoning is in accord with the generally recognized criteria for ethical reasoning? Or is he, in addition to this, using "good" with its ordinary prescriptive force, and so telling us to reason in this way in the ethical field and in consequence to act in the way to which such reasoning directs us? Is he simply analysing rules of ethical argument in a sense similar to that in which we speak of rules of grammar (cf. my article on this topic in this JOURNAL, December 1949), or is he doing something more?

I doubt if any clear answer can be given to these questions. I suspect that Toulmin himself is undecided. If challenged directly he would, I imagine, take the descriptive alternative and say that while the usages he is studying are prescriptive, what he says is merely descriptive of them, that he is engaged in what Stevenson has called a metanormative but non-normative enquiry. But there is a lot in his book that points the other way, for example his constant use of the phrase "good reasons", which cannot fail in practice to have a prescriptive force, and his rejection of subjectivism on the ground that it does not tell us "what we want to know" (p. 38), that "we shall have to choose between different sets of reasons for acting . . . if this is to be done at all methodically, we shall need to distinguish . . . those which are worthy of acceptance" (p. 41). Toulmin does seem to expect an ethical theory to tell him, though only indirectly, what to do.

The same indeterminacy crops up elsewhere. Toulmin speaks about the "functions" of science and ethics, and it is not clear whether a function is what a thing does or what the speaker is telling it to do. Indeed, the "pilot investigation" looks a bit like an argument from analogy; Toulmin seems to be saying, "In science you adopt the generally recognized criteria; why not do the same in ethics?"

But he says more than this. He says that if you don't accept the scientific criteria you are just not doing science, and similarly if you don't accept the ethical criteria you are just not arguing ethically (cf. p. 161).

Now if a single set of criteria in each case were not merely universally accepted but even necessitated by the nature of the activity itself, this would be true. But, as I hope to show, there are disagreements about the criteria of ethical argument (as there are about grammatical rules) : different people use different criteria, though those which Toulmin sets out may be the dominant ones at present. His insistence that these *are* the criteria of ethical argument, along with his general hovering between prescription and description, thus serves as a surreptitious support of the currently dominant forms of argument. And the method of support is the long-discredited one, "everyone does so-and-so, therefore you ought to do it". In fact, if Toulmin's conclusion is taken prescriptively, the argument that he offers for it is logically similar to that from psychological to ethical hedonism! But it acquires some plausibility from the disarming wealth of illustrations and analogies and also from its unfamiliar guise, from the fact that it is here applied not to sorts of action but to ways of deciding how to act.

I think it is plain, without further criticism, that Toulmin's conclusion, if taken prescriptively, is not supported by any valid argument. This point needs to be made because this interpretation, even if Toulmin himself does not intend it, is strongly suggested to even a careful reader. But let us now put this aside, and consider his account as a purely descriptive one, as an analysis of the generally recognized methods of ethical argument.

It must be admitted that the methods he describes are very widely used, and the corresponding criteria of sound ethical arguments widely recognized. Nevertheless, his account contains errors and contradictions which are not wholly covered by his admission (on p. 186) that he has over-simplified in order to make the main points clear.

First, Toulmin's initial separation of the deontological and teleological arguments is too sharp. It is not (as he says on p. 151) *only* when we are discussing whether a social practice should be changed or retained that the teleological kind of argument is "appropriate". As he admits elsewhere (pp. 146-7), the consideration of consequences is often taken to weigh against a rule of conduct in a particular case. And people who have different characters, or who adhere to different moral traditions, differ systematically here, some giving more weight to rules, others to consequences. It is not only in "test cases" that the distinction breaks down (cf. pp. 151-2); it is not only when a moral reformer is deliberately challenging an accepted rule that an appeal is made to considerations other than accepted rules. Moralities are changed not so much by reformers as by large numbers of people who just don't feel so much bound by the established rules as their parents did: very often they do not actually challenge the rule, but simply feel that other things are more important. The introduction, over the last sixty years or so, of a more tolerant sexual morality has been largely the work of people who were regarded as being merely selfish and immoral. Again, Toulmin seems to recognize this on p. 179, though on p. 151 he insists that a man should not be a rebel unless he is a moral reformer, while on p. 169 he says that "except where there is reason to believe that an existing principle could be superseded by another involving less suffering and annoyance on the whole, we are 'obliged' to obey it". (Of course, this last assertion might be defended as part of an objectivist moral theory, but as a description of *the* recognized modes of reasoning it is false.)

Similarly, the rightness of social practices is often tested not by a direct reference to "happiness" but by an appeal to other rules or principles. Such is the appeal, commoner in the eighteenth century than to-day, to "natural rights". Such, too, is the appeal to "fairness"; the inequality of women is criticized on the ground that it is unfair, and it has often been pointed out that there is a concealed reference to fairness

in the phrase "the general happiness"—the principle, which is of course hopelessly indefinite, that each is to count as one. Such, again, is the argument that adultery is wrong because it is forbidden by God, whom we ought to obey.

Secondly, the non-deontological considerations are not necessarily utilitarian, or even teleological. We find arguments of these forms: (a) This practice would lead to the following results, which are good, though they do not involve any increase of happiness. (b) This practice would itself be good, though neither productive of happiness nor enjoined by the existing code. (c) This practice would form part of a way of life which would be good, though neither, etc.

This fact has an important corollary. If Toulmin's account was correct, and if "happiness" were an objective property, ethical arguments would be conclusive, and a failure to reach agreement could be due only to one (or more) of these things: a mistake about facts, a refusal to argue ethically, or a definite fallacy in ethical reasoning. But since the arguments often take one of the forms mentioned, an ethical dispute often ends in a deadlock; one person says "I think such-and-such would be good", another says "Well, I don't", and in some cases (though not all) their disagreement in attitude, or their differing preferences about ways of life, are ultimate, and they cannot reason any further. Ethical statements and arguments represent the clashes of social movements which have different ways of life, and even when reference is made to "happiness" it is often misleading. Happiness is presented as a common measure of preferences, whereas there is no such common measure. (Cf. John Anderson's article on "Utilitarianism" in this JOURNAL, September 1932.) When someone talks about happiness he is usually referring to the sort of life he and his associates prefer, but also suggesting (falsely) that everyone must prefer it.

A third point, closely connected with this, is that what we might call the ethics of the individual is interwoven with social ethics in a way that Toulmin does not allow. He does, indeed, find a place for this—he likes to find a place for everything.

On pp. 156-160 he speaks about developing a "'rule of life', a personal 'code', with the help of which, when moral considerations are no longer relevant, we can choose between different courses of action". What he regards as strictly moral considerations set limits, but within these limits we choose what we think is best, or what we ought to do in an extended sense of 'ought'. But our actual reasoning is not as neat as this. We let our personal rules of life weigh along with and against the social rules. A clear example is the artist (like Stephen in Joyce's *Portrait of the Artist* and *Ulysses*) who feels that, quite apart from any moral reforms that he may support and quite apart from any happiness that he may produce, he is right in sacrificing social and family obligations to his artistic development.

Now if we study the works of ethical theorists like Plato (e.g., *Republic,* Bks. VI-IX) and Aristotle (e.g., *Nicomachean Ethics,* Bk. X) we find that they are very much concerned with this ethics of the individual; as Toulmin himself records (p. 158), Plato is even more interested in the pursuit of the Good than in the harmony of society. There seems to be no justification for his view (p. 159) that this is "ethics" only in an extended sense. Certainly the notion of obligation is fully developed only on a compulsive morality such as a morality of social demands, but why assume that ethics is primarily a matter of obligations, that non-compulsive "values" can come in only *after* obligations have been met? Toulmin is surely not here describing *the* recognized criteria but advocating a particular, selected pattern of ethical reasoning.

What these points add up to is that there is not a single clear-cut system of recognized criteria for ethical reasoning. People differ about ultimate standards, and also about methods of argument. They differ, for example, in the relative weight and extent that they assign to deontology and teleology, to social demands and to the personal way of life. And while all ethical argument, to be ethical, has to take some account of fairness or equity, this is itself a partly indeterminate notion (the choice of standards of merit is "subjective"). This

fact, that there is an ultimate conflict of ethical principles and methods, is surely what Russell was referring to when he said that the present account of ethics would not have convinced Hitler (footnote, p. 165).

It is interesting to note that Toulmin's main doctrine was anticipated by John Austin in his *Lectures on Jurisprudence* (first published in 1832), though there is no evidence of any direct influence of Austin on Toulmin. Austin also insists that the rightness of particular acts is to be judged by rules, the rightness of rules by the principle of utility (see Lecture II, pp. 113-5, in the fifth edition, 1885). "Our rules would be fashioned on utility, our conduct on our rules." He takes this position in defending utilitarianism against the charge that it is impracticable, for he admits that it would be impracticable if every particular act had to be tested directly by the principle of utility. But it is significant that Austin is consciously advocating one method of ethical reasoning in contrast and in opposition to others. It is a measure of the extent to which utilitarianism, despite its rejection by most philosophers, has become the dominant practical morality that what Austin advocated Toulmin can plausibly claim to discover, by linguistic analysis, to *be* ethics, so that if you do not use this method you are just not reasoning ethically!

With rather naive optimism Toulmin suggests that the holders of the objective, subjective and imperative theories will all welcome his account as a more precise presentation of their respective views. Personally, I doubt whether many subjectivists or imperativists will feel that they had to wait for Toulmin to "[bring] out more explicitly . . . the ways in which other people's ethical feelings influence our own" (p. 187). However, I agree that theorists of all three schools may take Toulmin's account as roughly correct. But this will be precisely because of the indeterminacy noted above, the fact that it is not quite clear whether such a phrase as "good reasons" is to be taken descriptively or prescriptively. The objectivists will be satisfied only if they take it prescriptively; they want an objectivity that goes beyond the "generality"

and independence of the particular speaker to which Toulmin refers on p. 188. Similarly, the other two schools (which cannot be very sharply distinguished when their views are developed and corrected) will be satisfied only if they take such a phrase descriptively. The point is that the three rival theories are not merely "disguised comparisons" (pp. 190-3); for example, the objectivist is not merely saying that ethical terms are a bit like words for properties; there is a real and fundamental disagreement between the objectivist and the others in that he maintains, while they deny, that there are objectively prescriptive features of things or self-subsistent norms.

There is no more a single "function" of ethics than there is a single system of criteria. Toulmin, indeed, argues that the criteria follow from the function, which is "to correlate our feelings and behaviour in such a way as to make the fulfilment of everyone's aims and desires as far as possible compatible" (p. 137). (By "correlate" he presumably means "reconcile" or "harmonize" or "adjust".) That this is the function of ethics does not, however, follow from the evidence he presents, the facts that all communities follow rules of behaviour which make living together possible by ensuring that their members show some respect for each other's interests, and that ethical judgments are connected with these rules. There is a wide gulf between showing some respect and trying to maximise satisfactions. Every adjustment is to some extent a biased one, and any ethical judgment will promote not harmony in itself but a particular sort of harmony, so that *one* function of ethical judgments will always be to advance some interests against others.

Since this book is primarily about ethics a thorough criticism of the "pilot investigation" of the function and method of science would be out of place here. But I think there is scope for something analogous to the suggested criticism of Toulmin's ethical theory. Toulmin describes what is now the dominant and generally accepted method of science, and defines truth in science in relation to this. "[A scientific

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judgment] to be 'true' . . . must follow correctly from a theory which accounts for all normal people's sense-experiences in similar situations" (p. 123). Truth is just a matter of satisfactory explanation; if a theory accounts for the observations, it makes no literal sense to ask further whether it is true. Now this sort of phenomenalism is quite widely held, but realists will not accept it; one special objection is that this account cuts off "truth" in science from the truth of common sense, whereas they are historically continuous. Again, if this were the only method that science uses or has ever used, the only sort of truth it has recognized, Toulmin's account would be plausible; it would make sense to say that if you are not following this method you are not doing science. But in fact scientists have not always understood truth in this way and do not understand it solely in this way at present; the method Toulmin describes has had to fight for acceptance against other methods that were claimed to lead to truth. When Machiavelli and Bacon, in their respective fields, advocated scientific empiricism, they were not introducing a new definition of "truth", but recommending what they thought was a better method than those previously established for discovering truth—"truth" in an already-existing sense.

This may reflect some more light on the position in ethics. In both fields Toulmin selects a dominant method and treats it as the sole method, and indeed as determining the subject in question and the meaning of its principal terms, such as "truth" in science and "ought" in ethics. But in both cases these terms have a prior use. The prior meaning of 'ought' is prescriptive: what all moral theories have in common is the recommending of something: what is right is what is to be done generally. Toulmin's account of the criteria of ethical reasoning thus serves as a "persuasive definition" whenever his ethical terms are taken with their normal prescriptive force. He says, in effect, that certain ways of deciding how to act are to be used. Thus he is himself doing what he recognizes (pp. 195-201) that other philosophical theorists of ethics do.

He is wrong, therefore, when he dismisses, as a "limiting question" with no literal sense, the question "Why ought I to do what is right" on the ground that "what I ought to do" and "what is right" are synonymous (p. 162). They are not synonymous when this question is asked; in it "what is right" has reference to some set of moral principles or (as in Toulmin) to some set of criteria; its meaning is descriptive. But the "ought" has its normal prescriptive force. If Toulmin says "You ought to do what is right", he is ordering us to use the criteria he sets out; and if someone asks "Why ought I?" he may be challenging this order, or asking what is its source, or (if he is something of a philosopher) suggesting that there are no self-subsistent norms.

Toulmin indeed says that such a limiting question can be asked and answered in the context of religion. Still finding a place for everything, he says that the function of religion is to help us resign ourselves to facts that are not scientifically explicable and to help us embrace duties which are not to be justified further in ethical terms (pp. 218-9). But the religious answer to the above-mentioned question, "Because it is God's will" (p. 219) is in fact an answer to the question in the second sense noted ("what is the source of this order?"), and a false one, for the real source is always something human, whether it is a social group or someone's super-ego.

This chapter on "Reason and Faith", along with a good deal else in the book, provokes a final comment. Toulmin's general tendency is strongly *conformist,* which is to be expected in the spokesman of a school that is primarily concerned with linguistic analysis. The final requirement of a philosophical theory of ethics is that it should be *"true to the facts of our usage"* (p. 191). Whenever they fall short of or go beyond the pure description of usages the pronouncements of such a school are likely to support whatever is the currently dominant practice in the field discussed. This is the real force of the wealth of plausible illustration in which writers of this school indulge. This conformism finds another expression in Toulmin's eagerness to find a place for everything, to

mark off appropriate fields for science, ethics, and religion, and to argue that any conflict between any two of these activities, strictly understood, is a logical impossibility. This comes out even more clearly in a B.B.C. talk (printed in the *Listener,* March 1, 1951) where Toulmin argues that scientific discoveries cannot have any bearing on religion. What I have already said will indicate how such an attempt at demarcation breaks down.

REVIEWS

JOURNEY THROUGH UTOPIA. By Marie Louise Berneri. (Routledge and Kegan Paul, London, 1950. 339 pp., Bibliography.) Price (U.K.), 16s.

In this book an anarchist looks at the history of Utopianism. Miss Berneri's method is to quote at length, prefacing her quotations with an historical introduction and interspersing them with critical commentary. In consequence, this is a most useful storehouse, with extensive selections not only from such relatively well-known works as More's *Utopia* and Campanella's *City of the Sun* (the latter in a new translation) but also from such rarities as Foigny's *New Discovery of Terra Incognita Australis* and Etienne Cabet's *Voyage to Icaria.*

Berneri has, it will be apparent, cast her net widely. "Utopias" have been constructed with diverse intentions: some as pictures of an ideal society, some as programmes for action, yet others, especially in times of severe censorship, as covert criticisms of existing conditions. To Berneri's general thesis—the illiberal character of Utopian thinking—this last variety of Utopia has little relevance. But it would be a pity to have excluded, on such grounds, Foigny's *New Discovery*—one of the most notable of the genre—which will certainly delight Australians by its prophetic powers. "What is most surprising in the Australian scene", wrote Foigny in 1693, "is that there is not one mountain to be seen; the natives having levelled them all . . . To this prodigy may be added the admirable uniformity of languages, customs, buildings and other things which may be met with in this country. 'Tis sufficient to know one quarter, to make a certain judgment of all the rest" (p. 191). His satire, however, needs rather more annotation than Berneri supplies; as matters stand, the hermaphroditism of his Australians, for example, is an inexplicably *outré* detail. (She could have found the explanation in the article on "Sadeur" —Foigny's pen-name—in Bayle's *Dictionary*.)

But although her work is full of instruction to the historian, Berneri's main purpose is critical. Utopias, so she argues, fall into two main classes: those which exalt regimentation in the interests of "justice" (by far the larger class) and those which attack it in the name of art and happiness—this latter sort (of which Berneri approves) being scarcely exemplified except in Morris's *News from Nowhere.* For the most part, her book is a lively and documented

attack on the outlook of the regimenting Utopians, from Plato by way of More, Campanella, Andreae to Bellamy and Wells. The point she particularly emphasizes (and most interestingly illustrates from Winstanley's *The Law of Freedom*) is that liberal intentions are not enough. Winstanley sets out as an opponent of legislation but his Utopian system soon converts him into an authoritarian of the most extreme sort, extending the realms of legislation into the details of personal life. This exposure of the Utopian mentality is well worth undertaking; one may question, however, whether Morris's sort of Utopianism is in any stronger position. No doubt the spirit of persecution is less evident in Morris's writing; but a society in which science and production are restricted in the interests of "art and happiness" would be as tedious (and must, in the end, be as regimented) as a society from which art and the personal life have been banished in the name of efficiency or justice.

<div align="right">J. A. PASSMORE.</div>

THE EDUCATIONAL THOUGHT AND INFLUENCE OF MATTHEW ARNOLD. By W. F. Connell. (Routledge and Kegan Paul, 1950. 304 pp.) Price (U.K.), 21s.

"Arnold was, in fact, not merely a Liberal of the Future, but an Educationalist of the Future also." Dr. Connell's book provides ample demonstration of this, and especially succeeds in revealing Arnold's many extraordinary anticipations of the sociological emphasis that has been gaining ground in modern education. Arnold was concerned much less with methods of teaching, or even with details of curricula, than with the general implications of the role of schools in transmitting standards of taste and culture from one generation to another. He was deeply conscious of the inability of nineteenth century English culture to extricate itself through its existing education system from the prison of Puritanism and licentious economic individualism which closed it in. Always as much concerned with the ills of Victorian society as with the defects of its education, he saw clearly enough that education could never succeed in creating something out of nothing, and that English education was failing chiefly because it was expected to express a disintegrating and sterile culture.

This critical side of Arnold's influence has been too often minimized and misrepresented. Arnold's complacency about many prevailing educational practices, his lack of sympathy with new classroom methods, his reliance on the regenerative efficacy of literary studies, his equation of education with the cultivation of taste, his depiction of the United States as a horrifying extension of the Philistine spirit —all of these views helped to justify a twentieth century stereotype

of Arnold as a guardian and embodiment of those educational values against which the champions of pragmatism were in revolt. This conception of Arnold was definitely partial and superficial, as Dr. Connell's book makes clear. Arnold was, in many directions, though often in a rather groping and incoherent fashion, more profoundly aware of the essential difficulties of education for social change than his critics. In his preoccupation with the need for a unified view of national education and the development of a common culture, in his opposition to the "presentism" and fragmentary tendencies in American education, in his belief in social equality through education, in his advocacy of mass schooling as a means for the cultural humanizing elevation of all classes, and especially in his revolutionary espousal of the cause of government education for the middle and lower classes, Arnold was not only foreshadowing the educational problems of our time, but was saying things about them that are still arrestingly valid and relevant.

Dr. Connell's book is so good and his researches so thorough and complete that it will be no surprise if this work becomes the definitive study of the actual content of Arnold's educational philosophy. It is based on careful examination of all of Arnold's extant work, including not only his essays and verse, but his various official reports as a government school inspector, together with numerous private papers and letters, some published for the first time in this volume. The analysis is admirable—well-balanced, well organized and scrupulously just and thorough in detail. The author's own expository touches are so deftly and modestly contrived that the reader is led to feel, as he should surely feel in such an intellectual anatomy as this, that Arnold's views are being gently and systematically elicited and annotated rather than expounded. There is much educational and social history in this book—including a masterly chapter on social and educational trends of the mid-nineteenth century—but these passages are always interpolated with such strict relevance to the shaping of Arnold's thought that they never disturb the artistic unity of the main theme. The book is not biographical in approach, but Dr. Connell has introduced sufficient, and I should say just sufficient, biographical touches to lend point and illumination to the trends in Arnold's thought.

It is precisely because of his singular success in objective and sympathetic exposition that one cannot refrain from regretting that Dr. Connell has not felt it his responsibility to undertake any critical examination of Arnold's views or of his distinctive position in the development of modern educational thought. Even the final chapter on Arnold as prophet is content to draw the threads together and provide an adequate review of Arnold's main theses. Occasionally a contemporary opponent of Arnold is quoted, with a brief comment on

the merit of the criticism; or else a controversy is reported—the conflict between the advocates of the humanities and the sciences in the 1850's is a fascinating example—but only to indicate Arnold's place in the field and the relevance of his thought upon the subject at issue.

As things are, Dr. Connell takes no stand except to provide a highly refined statement of the essential Arnold. Of what value was Arnold's work? Was his social analysis correct? Were his educational remedies adequate? Has the passing of time justified his predictions? Were his two great themes, the need for an extension of State activities and the need for a greater diffusion of culture, basically satisfactory approaches to the evils against which Arnold thought he was fighting? Perhaps these questions are not Dr. Connell's business, but they arise naturally from the clear statement of Arnold's philosophy presented in this book. It must not be forgotten that during the same period that Arnold was sketching his premonitory outline of the Welfare State and a National System of Education, his London contemporary, Marx, was proposing the dictatorship of the proletariat and the inevitability of the class struggle. Neither Dr. Connell nor Arnold mentions Marx; yet Marx's programme started from the same point of departure as Arnold's—the manifest failure of the emergent British middle classes to create an effective cultural unity and guarantee the basic requirements of human welfare. But each proposed an essentially different line of advance: one the way of educational sweetness and light, the other of struggle and conflict. For one the chosen instrument was a re-educated middle class; for the other the militant and aroused workers. It is enough to mention this divergence to draw attention to some profound limitations in Arnold's approach to the problems he apprehended so sensitively.

M. S. BROWN.

READINGS FROM WORLD RELIGIONS. Compiled by Selwyn Gurney Champion, M.D., and Dorothy Short. (Watts & Co., 1951. viii + 336 pp.) Price (U.K.), 18s.

Those who wish to begin the study of comparative religion will welcome this book, which offers brief surveys, and extracts from the Scriptures, of eleven religions (Hinduism, Shintoism, Judaism, Zoroastrianism, Taoism, Confucianism, Jainism, Buddhism, Christianity, Islam and Sikhism). The usefulness of the work is enhanced by the provision of a glossary, select bibliography, table of geographical distribution of religions, and a comparative chart of the various faiths and their founders. The introductory survey of the origin of religion in general is marred by the rationalism and individualism of Tylor and other nineteenth century writers, ignoring as it does the social

significance of religion as a representation, however distorted, of society. Primitive man is depicted as reasoning, in an elementary way, about the mysterious forces which threaten his means of sustenance, and so arriving at the notion of the animation of natural objects by spiritual beings. This rationalist theory of religious origins leaves out of account the primitive sense of continuity between nature and society which led to the treatment of human and non-human processes alike as belonging to various kinds of social activity. The brief reference to animatism is vague and confused. It is taken to be later than animism in the evolution of religion, and is applied to nature-spirits which are no longer confined to particular objects but exert influence upon sun, moon, etc.; in other words, upon *larger* particular objects. Then, as the spheres of these spirits "widened still further to cover more general conceptions, such as fertility, destruction, seasonal changes and so on, they began to approach the dignity and status of gods" (p. 2). It is not at all clear why "animatism" should be regarded as a more adequate term than "animism" and "early polytheism" to describe these activities. If the term "animatism" is to be retained, it is surely better to apply it to belief in objects as simply alive and endowed with power, but not inhabited or influenced by spirits; or in objects as possessed, permanently or temporarily, by *mana*, an impersonal, inscrutable force. As such, it would precede or co-exist with animism. In this connexion Marett holds that belief in *mana* preceded animism, while Lévy-Bruhl contends that because of its "pre-logical" character, primitive thought found no difficulty in reducing separate and dissimilar things to identity. Karsten, in *Origins of Religion* (1935), challenges both positions, arguing that *mana*, though itself impersonal, is always connected with persons, human or "superhuman", who direct and control it. Because of this close connexion between personal and impersonal powers, Karsten thinks that it would be a gain for the science of religion if the term "animatism" were dropped altogether. In the otherwise clear and concise summaries of religious history and doctrine, presented in the work under review, one sometimes comes across assertions which cry aloud for critical examination—e.g., "he (Jesus) left them with an example of a *perfect* life, one in which no blemish could be found" (p. 197; the italics in all quotations are mine); "There is, thus, in the teaching of Christ, a *perfect* blending of simplicity and *profundity*" (p. 201); and "The entire interest of Paul was centred in *Jesus*" (p. 203), where "the Risen Christ" would be more accurate, as Paul had singularly little interest in the historical Jesus. The only misprint I have noticed is "Apostle's" instead of "Apostles'" on p. 204, note.

G. STUART WATTS.

KARL JASPERS ET LA PHILOSOPHIE DE L'EXISTENCE. By Mikel Dufrenne
    et Paul Ricœur.   Preface by Karl Jaspers.   (Collections Esprit.
    Editions du Seuil, 1947.)

This book is the best on its subject that has yet appeared.   Those
acquainted with Jaspers in the original will read it with interest, as
it mainly consists of a serious, readable exposition of his three-volume
Philosophy published by Spranger in 1932 and issued in its second
edition in 1948.   This still remains his major work, although it will
certainly yield place if Jaspers completes his *Philosophical Logic*,
which began in 1947 when Piper of Munich published *Von der Wahrheit*
—the latest and most important event in German philosophy in the
last ten years, as Nicolai Hartmann has called it.   Jaspers intends to
produce three further volumes on Method, the Categories, and Science
to finish it.

The exposition so ably provided as a result of the collaborative
labours of Messrs. Dufrenne and Ricœur is supplemented by numerous
references to his earlier works on the psychology of philosophers and
on the intellectual situation in the modern world, to his sets of lectures
on Reason and Existential Being and on Existential Philosophy, as
well as to his great book on Nietzsche and the monograph on Descartes.
In the concluding section of the book the authors devote three chapters
to the presentation of their critical reflections on philosophy of the
existential sort.   As the main part of the work gives reliable infor-
mation in very considerable detail supported by exact references about
what Jaspers has to say, German readers will turn with interest and
attention to these chapters.   The discussion is based upon a sustained
effort at understanding and stating the content of Jaspers's phil-
osophy, which is highly desirable if criticism is to approach anything
like judicial estimation and avoid partial recrimination.   Those who
do not read German, while sharing in this discussion, will find in the
opening of the book a good general introduction to Jaspers's thought,
placing it in relation to German idealism and to Kierkegaard and
Nietzsche, as well as presenting the central problem of transcendence.

The discussion of existential philosophy has been predominantly
polemical, but the tone of the critical reflections in this volume and
the temper in which they are conducted suggest new possibilities.
How often, in the last two decades, has one encountered the super-
ficiality of "Heidegger *and* Jaspers", *et hoc genus omne!*   In nine
pages, Dufrenne and Ricœur show the impossibility of doing
any justice to either thinker by allusions of that sort, which is in
itself a considerable service to Existentialism.   Such allusions have
frequently arisen in contexts dealing with the menace of irrationalism.
To the suggestion that Jaspers represents an anti-rational influence
our authors give no countenance at all: "Même cette inflexion vers la

rigueur rationelle que nous avons remarquée dans les dernières œuvres de Jaspers se manifeste ici, non seulement en ce que la rationalisme est denoncé comme moralement suspect, mais en ce que la clarté, qui est l'âme de la raison, est partout requise".

The interest of the book is completed by a short but concentrated foreword by Jaspers. He expresses his appreciation of the services of such an exposition to his philosophy. At the same time he indicates that, in its very nature, it is limited to information. It cannot, so to speak, breathe the spirit of a distinctive kind of philosophical thinking. Marcel is an independent witness to the fact that Jaspers's philosophy does indeed possess such a distinctive spirit: "Not only my terminology but my whole spiritual and religious orientation are quite different from those of Jaspers. Nevertheless, I feel obscurely that I owe a real debt to this noble and profound thinker, and I am anxious to acknowledge the inward and almost indefinable influence which he has exercised over my own mind." Everyone interested in Existentialism ought to acquire this book.

HENRY THORNTON.

MORALS AND REVELATION. By H. D. Lewis. (George Allen and Unwin, 1951. 255 pp.) Price (U.K.), 16s.

As the author remarks in his Preface (p. vii), the series of ten essays collected in this volume "represents the development of a fairly continuous theme". What the theme is, and its manner of development, may be indicated as follows.

The first essay, "Morality and Religion", after a careful examination of the position of Barth and his followers, reaches the conclusion that "Neo-Protestant theology has done us the great service of . . . showing that there is no middle position between the complete absorption of ethics in religion and the full admission of the autonomy of ethical ideas and of man's independence in making his moral choices" (p. 25). A study of Emil Brunner's "Revelation and Reason", in the second essay (Chapter II), brings out the inconsistencies of trying to absorb ethics into the problem of religious revelation. Chapter III, "Obedience to Conscience", contains a thorough analysis of what is involved in the principle that everyone must obey his own conscience, which stresses the importance and the limitations of this principle while clearly showing that it does not imply subjectivism.

A survey of "The Present State of Ethics", in Chapter IV, calls attention to a widespread and deep aversion among recent philosophers to consider the problems of ethics. The principal reason for this lack of interest is found to be the contemporary "dissociation of ethical ideas from ethical realities . . . an alienation of ethical thinking from crucial forms of ethical experience" (pp. 91, 94). By way of making

amends for this neglect, the author undertakes a searching discussion of "the crucial ethical notions of guilt, freedom and responsibility" (p. 95) in the following chapters: "Collective Responsibility" (Chapter V), "Moral Freedom in Recent Ethics" (Chapter VI), "Guilt and Freedom" (Chapter VII).

In "Some Ambiguities of Mystical Thought" (Chapter VIII) the ground is cleared for a positive account of the relation between ethics and religion by examining the question whether we can have immediate knowledge of God. This positive account is presented in Chapter IX, "Revelation and Art", wherein "the uniqueness of religious truth" (p. 229) is pointed out in relation to artistic experience, and a twofold relation emerges of ethics to religion: "a deepening of religious insight is . . . also a refinement of moral sensibility", and "it is in moral experience most of all that revelation is formed" (p. 229). The concluding chapter, "On Poetic Truth", clarifies the above-noted relationships by setting forth in detail the nature of poetic experience and the function of the poet.

From this summary outline of the contents of Professor Lewis's book its importance for a student of contemporary ethical theories will be obvious. The clearness and cogency with which he expounds and supports his own conclusions on the central problems of ethics are no less remarkable than the careful consideration which he gives to the views of those with whom he cannot wholly agree. Outside the field of ethics itself, those who are seriously interested in philosophy will find their own thinking stimulated and perhaps clarified by a study of the relations which Lewis finds between scientific knowledge, ethics, art, and religious experience.

A critical examination of Lewis's position can hardly be attempted even in a lengthy review. It seems to the present reviewer that the main weaknesses of the position are two: first, an over-readiness to admit that (as above quoted) "there is no middle position between the complete absorption of ethics in religion and the full admission of the autonomy of ethical ideas"; and second, a seemingly firm belief in the adequacy of Kant's *Critique of Pure Reason*. As for the first point, although Lewis takes into account the possibility of a "middle position", which he takes to be "the Catholic doctrine" (p. 25), he rejects it for reasons which unmistakably manifest a misunderstanding of what the doctrine actually is. Thus, on the purely philosophical level, he dismisses all too easily the notion of "natural law", because it does not give us a truly objective standard and because it leaves no room for freedom of choice, by its reference to a natural end with which man is bound to act in conformity. On the theological level it is perhaps easy enough to find, in "the teaching of St Augustine and his successors" (p. 179), doctrines which are rather Protestant than Catholic about

original sin and man's fallen nature. After all, it was from St Augustine that Calvin and Luther managed to derive most of their own doctrines on these points. But no one who is reasonably well read in Catholic theology would subscribe to the statement that it retains "ideas of special revelation and grace substantially the same as those of the Lutheran". If the Council of Trent did nothing else it at least settled that.

The second weakness to which I have alluded appears in the importance which Lewis attaches to the famous "antinomies of pure reason" in connexion with our knowledge of God (in Chapter VIII), and in the obviously Kantian character of his own solution of this problem as well as of the analogous problem of revelation. By many philosophers nowadays this would not be regarded as a weakness but as an honest admission of the force of the antinomies themselves, which seem to resist all solvents but those applied by the logical positivists to the dissolution of what used to be called philosophy. Under the circumstances there seems no way of supporting this accusation of "weakness" except by dealing directly with the anti-nomies themselves, and by attempting to establish an alternative and solidly grounded solution to the main problems discussed by Lewis. How successfully this can be done, and how soon, the present reviewer hesitates to say. But just as the readers of this JOURNAL were once offered an account of the theory of self-determination which claimed "to free it from the doubtful metaphysics of its Hegelian exponents" (see *A.J.P.P.*, Volume XVIII, No. 3, A. K. Stout's article on "Freewill"), so they may perhaps receive in the near future an alternative to Lewis's position which will be undarkened by the shadow of Immanuel Kant.

J. J. WELLMUTH.

AROUND THE JOURNALS

In *Mind*, 238, J. D. Mabbott tries to show that "the specious present is 'specious' in a sense not intended by its supporters"; and in the same number D. T. Geach has a translation (revised by Max Black) of Frege's "On Concept and Object" (first published in the *Vierteljahrsschrift für wissenschaftliche Philosophie*, 1892). R. Crawshay-Williams (*Analysis*, 22) offers an alternative to D. Pears's solution of the "paradox of confirmation". G. Ryle (*Philosophical Quarterly*, 1, 3) distinguishes "seven different uses of the verb 'to feel' " and deplores the assimilation of "feeling-that to emotion". Ryle's *Concept of Mind* is discussed by Margaret MacDonald (*Philosophical Review*, 353) and D. M. Mackinnon (*Philosophical Quarterly*, 1, 3).

D. J. B. Hawkins (*Philosophical Quarterly*, 1, 3) reproaches H. A. Prichard's moral philosophy for having lost "contact with the human situation" and relapsed "into something like a mere criticism of categories", and in the same number M. B. Foster tries to correct Popper's analysis of Plato's conception of justice. *Philosophy*, 97, contains C. D. Broad's Royal Institute of Philosophy Lecture (Nov. 17, 1950) on the Swedish philosopher "Hägerström's Account of Sense of Duty and Certain Allied Experiences" and an article by A. N. Prior on the history of the problem "The Virtue of the Act and the Virtue of the Agent". V. Tomas discusses what is involved in ethical disagreements in order to criticize Stevenson's "emotive theory", while A. Moore tries to show that the consequences of Stevenson's theory for ethics are "so obviously true and so obviously harmless that they would be gladly accepted by any philosopher whatever, regardless of his particular ethical views" (both in *Mind*, 238).

In the *Journal of the History of Ideas*, II, 1, J. Needham gives an interesting account of the development of the notion of human law (natural and positive) and laws of nature in China and the west.

NOTES AND NEWS

NEWCASTLE LOCAL BRANCH.

The Branch has renewed its affiliation with the Northern Branch of the Workers' Educational Association, and in conjunction with it is arranging a series of three public lectures in August 1951 on "Church and State".

A residential school was held at Nelson's Bay from April 4 to 7. Papers were read on "Philosophy and Politics" (W. B. Anderson), "Philosophy and Morals" (W. A. McRae), "Philosophy and Literature" (M. L. Eddy), and "A Summing Up" (W. H. C. Eddy).

Branch meetings are held each month at 16 Sharp Street, Mayfield; discussions are based on papers read by members, each being an examination of a chapter from Russell's *History of Western Philosophy*.

Canberra Local Branch.

The Branch has been holding a series of meetings to discuss questions of general importance not falling within the range of specialists in the natural or the social sciences. Topics discussed have included "Sense-Perception and Literature" (opened by Professor A. D. Hope), "Logic and the Constitution" (Professor G. Sawer), "The Application of Psychology" (Mr. P. Pentony), and "Sectional Interests and Economic Policy" (Professor H. W. Arndt). The meetings are held at the Canberra University College, Civic Centre.

BOOKS RECEIVED

(Mention in this list neither precludes nor guarantees later review.)

The Vindication of Metaphysics. By Ruth Lydia Saw. (Macmillan, 1951. 173 pp.) Price (U.K.), 12s. 6d.
> An exposition and defence of the philosophy of Spinoza.

Freedom, Power and Democratic Planning. By Karl Mannheim. (Routledge and Kegan Paul, 1951. xxiv + 384 pp.) Price (U.K.), 25s.
> Edited from mss. left incomplete at the author's death.

The History of Nature. By C. F. von Weizsacker. (Routledge and Kegan Paul, 1951. 180 pp.) Price (U.K.), 12s. 6d.
> This book traces the evolution of matter, life, and the human mind, and discusses some philosophical questions that arise out of science.

Liberties of the Mind. By Charles Morgan. (Macmillan, 1951. vii + 252 pp.)

Borderlands of Science. By Alfred Still. (Philosophical Library, 1950. ix + 424 pp.) Price, $3.75.
> A partly historical discussion of the borderland between science and magic.

ARGUMENT OF LAUGHTER. By D. H. Monro. (M.U.P., 1951. 264 pp.)
Price (Aust.), 21s.
A discussion of various theories of humour.

MORALS AND MAN IN THE SOCIAL SCIENCES. By J. V. Langmead Casserly.
(Longmans, 1951. ix + 230 pp.) Price (Aust.), 21s.

MATHEMATICAL LOGIC. By D. Hilbert and W. Ackermann. (Chelsea
Publishing Company, New York, 1950. xii + 172 pp.)
Translated from the second German edition of 1938.

THE ACCUMULATION OF CAPITAL. By Rosa Luxemburg. Translated by
A. F. Schwartzchild. Introduction by Joan V. Robinson. (Routledge,
1951. 475 pp.) Price (U.K.), 35s.

THE LIBERAL IMAGINATION. By Lionel Trilling. (Secker and Warburg,
1951. xvi + 303 pp.) Price (U.K.), 15s.
Essays on literature and society.

INQUIRING SPIRIT: A new presentation of Coleridge from his published
and unpublished prose writings. Edited by Kathleen Coburn.
(Routledge, 1951. 454 pp.) Price (U.K.), 25s.

FORM AND SPIRIT. By J. H. Badley. (Routledge, 1951. xiii + 247 pp.)
Price (U.K.), 16s.
A study in religion.

JOHANNES KEPLER: LIFE AND LETTERS. By Carola Baumgardt. Intro-
duction by Albert Einstein. (Philosophical Library, 1951. 209 pp.)
Price, $3.75.

PLATO'S THEORY OF IDEAS. By Sir David Ross. (O.U.P., 1951. 251 pp.)
Price (Aust.), 30s.

ENGLISH AND ARITHMETIC FOR THE AUSTRALIAN CHILD. (Australian
Council for Educational Research, 1951. 36 pp.) Price (Aust.).
1s. 6d.
A comparison of courses and standards in the different States, with
suggestions for a basic curriculum.

THE SPECIAL VOCABULARY OF CIVICS. By S. A. Rayner. (M.U.P. for
A.C.E.R., 1951. x + 105 pp.) Price (Aust.), 10s.

NEUROSIS AND HUMAN GROWTH. By Karen Horney. (Routledge, 1951.
391 pp.) Price (U.K.), 21s.
Sub-titled "the struggle toward self-realization".